

NOTICES OF FINAL RULEMAKING

The Administrative Procedure Act requires the publication of the final rules of the state's agencies. Final rules are those which have appeared in the *Register* first as proposed rules and have been through the formal rulemaking process including approval by the Governor's Regulatory Review Council or the Attorney General. The Secretary of State shall publish the notice along with the Preamble and the full text in the next available issue of the *Register* after the final rules have been submitted for filing and publication.

NOTICE OF FINAL RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 10. BOARD OF COSMETOLOGY

[R08-158]

PREAMBLE

1. Sections Affected

R4-10-112
R4-10-301
R4-10-303
R4-10-304
R4-10-306

Rulemaking Action

Amend
Amend
Amend
Amend
Amend

2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. § 32-504(A)(1)

Implementing statutes: A.R.S. §§ 32- 501, 32-510, 32-511, 32-512, 32-517, 32-531, 32-551, 32-555, 32-556, and 32-561

3. Effective date of the rules:

July 5, 2008

4. A list of all previous notices appearing in the *Register* addressing the final rules:

Notice of Rulemaking Docket Opening: 14 A.A.R. 202, January 18, 2008

Notice of Proposed Rulemaking: 14 A.A.R. 216, January 25, 2008

5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

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6. An explanation of the rules, including the agency's reasons for initiating the rules:

A.R.S. § 32-504(A)(1) authorizes the Arizona State Board of Cosmetology to adopt rules for the regulation of the cosmetology licensing, sanitary and safety standards, examine candidates for licensure, and to prescribe minimum school requirements and curriculum requirements. These rules will clarify requirements for client and licensee infection protection and safety practices and will allow licensees to perform procedures for which they are trained and supervised and to expand the practice in line with what is currently expected and happening in the market place. The rules also clarify that schools are allowed to provide instruction related to professional development to licensed individuals. Curricula cross-over hours are expanded allowing additional opportunities for individuals wishing to pursue knowledge of cosmetology.

7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

None

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8. A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

9. The summary of the economic, small business, and consumer impact:

For the rulemaking identified in item 6, the Board of Cosmetology, licensed schools, and students will bear any costs associated with the rule changes. No cost results from the rule change itself. Changes are to clarify existing rules, make them easily readable, provide additional opportunities by expanding allowable practices, provide additional cross-over hours, and allow additional educational opportunities.

10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

After further study, R4-10-112(O) was rewritten to eliminate some proposed language meant to broaden the scope of practice for cosmetologists and aestheticians as it is felt it is unnecessary at this time. Other regulatory Boards have laws and rules in place allowing for invasive procedures training and for supervised practice of such procedures and, therefore, those stipulations were removed. A tool that is designed to remove calluses is neither designed nor used to pierce the dermis and is not a procedure for prohibition under infection protection and safety requirements and was removed. References to "chemicals" were added as clarification for this rule. The reference to sign posting requirements is considered redundant as it is already a requirement in R4-10-111 and was removed as were references to procedures not regulated in Arizona.

Clarifying language was also added in other rule; i.e., IPL was identified by its full name, Intense Pulsed Light; and other grammatical corrections were made.

11. A summary of comments made regarding the rules and the agency response to them:

No comments have been received.

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

13. Incorporations by reference and their location in the rules:

None

14. Were these rules previously made as emergency rules?

No

15. The full text of the rules follows:

TITLE 4. COMMERCE, PROFESSIONS, AND OCCUPATIONS

CHAPTER 10. STATE BOARD OF COSMETOLOGY

ARTICLE 1. GENERAL PROVISIONS

Section

R4-10-112. Infection Control and Safety Standards

ARTICLE 3. STUDENTS

Section

R4-10-301. Instruction; Licensed individuals

R4-10-303. Aesthetics Curriculum Required 600 Hours

R4-10-304. Cosmetology Curriculum Required 1600 Hours

R4-10-306. Curricula Hours

ARTICLE 1. GENERAL PROVISIONS

R4-10-112. Infection Control and Safety Standards

A. An establishment shall have and maintain the following minimum equipment and supplies:

1. Non-leaking, waste receptacles, which shall be emptied, cleaned, and disinfected daily;
2. Ventilated containers for soiled linens including towels and capes;
3. Closed, clean containers to hold clean linens including towels and capes;
4. A covered, wet disinfectant container made of stainless steel or a material recommended by the manufacturer of the wet disinfectant that:
 - a. Is large enough to contain sufficient disinfectant solution to allow for the total immersion of tools and instruments,

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- b. Is set up with disinfectant at all times the establishment is open, and
- c. Is changed as determined by manufacturer's instructions or when visibly cloudy or contaminated;
- 5. An Environmental Protection Agency (EPA)-registered bactericidal, virucidal, fungicidal, and pseudomonacidal (formulated for hospitals) disinfectant which shall be mixed and used according to manufacturer's directions on all tools, instruments, and equipment, except those that have come in contact with blood or other body fluids; and
- 6. An EPA-registered disinfectant that is effective against HIV-1 and Human Hepatitis B Virus or Tuberculocidal which shall be mixed and used according to the manufacturer's directions on tools, instruments, and equipment that come in contact with blood or other body fluids.
- B.** Procedure for disinfecting non-electrical equipment.
 - 1. Non-electrical equipment shall be disinfected by cleaning with soap or detergent and warm water, rinsing with clean water, and patting dry; and
 - 2. Totally immersing in the wet disinfectant required under subsection (A)(5) or (A)(6) following manufacturer's recommended directions.
- C.** Procedure for storage of tools and instruments.
 - 1. A tool or implement that has been used on a client or soiled in any manner shall be placed in a properly labeled receptacle; and
 - 2. A disinfected implement shall be stored in a disinfected, dry, covered container and isolated from contaminants.
- D.** Procedure for disinfecting electrical equipment, which shall be in good repair, before each use.
 - 1. Remove all foreign matter;
 - 2. Clean and spray or wipe with a disinfectant, compatible with electrical equipment, as required in subsection (A)(5) or (A)(6); and
 - 3. Disinfect removable parts as described in subsection (B).
- E.** Tools, instruments and supplies.
 - 1. All tools, instruments, or supplies that come into direct contact with a client and cannot be disinfected (for example, cotton pads, sponges, porous emery boards, and neck strips) shall be disposed of in a waste receptacle immediately after use;
 - 2. Disinfected tools and instruments shall not be stored in a leather storage pouch;
 - 3. A sharp cosmetology tool or implement that is to be disposed of shall be sealed in a rigid, puncture-proof container and disposed of in a manner that keeps licensees and clients safe;
 - 4. An instrument or supply shall not be carried in or on a garment while practicing in the establishment;
 - 5. Clips or other tools and instruments shall not be placed in mouths, pockets, or other unsanitized holders;
 - 6. Pencil cosmetics shall be sharpened before each use;
 - 7. All supplies, equipment, tools, and instruments shall be kept clean, disinfected, free from defects, and in good repair;
 - 8. Cutting equipment shall be kept sharp; and
 - 9. A client's personal cosmetology tools and instruments that are brought into and used in the establishment shall comply with these rules.
- F.** If there is a blood spill or exposure to other body fluids during a service, licensees and students shall stop the service and:
 - 1. Before returning to service, clean the wound with an antiseptic solution;
 - 2. Cover the wound with a sterile bandage;
 - 3. If the wound is on a licensee's or student's hand in an area that can be covered by a glove or finger cover, the licensee or student shall wear a clean, fluid-proof protective glove or finger cover. If the wound is on the client, the licensee or student providing service to the client shall wear gloves on both hands;
 - 4. Blood-stained tissue or cotton or other blood-contaminated material shall be placed in a sealed plastic bag and that plastic bag shall be placed into another plastic bag (double bagged), labeled with a red or orange biohazard warning, and discarded;
 - 5. All equipment, tools, and instruments that have come in contact with blood or other body fluids shall be disinfected as discussed in subsections (A)(6) and (B); and
 - 6. Electrical equipment shall be disinfected as discussed in subsection (D).
- G.** ~~Whirlpool foot spas or pedi bins used for pedicure services shall be cleaned as follows~~
 - ~~1. Between each client:~~
 - ~~a. All water shall be drained and all foreign matter removed from the foot spa or pedi bin;~~
 - ~~b. The surfaces and walls of the foot spa or pedi bin shall be cleaned with soap or detergent and rinsed with clean warm water;~~
 - ~~c. The surfaces and walls of the foot spa or pedi bin shall be disinfected with an EPA registered disinfectant with demonstrated bactericidal, fungicidal, virucidal, and pseudomonacidal (formulated for hospitals) efficacy used according to manufacturer's instruction;~~
 - ~~d. The foot spa or pedi bin shall be rinsed by filling with clear warm water and flushing for three minutes;~~
 - ~~e. The foot spa or pedi bin shall be wiped dry with a clean towel; and~~
 - ~~f. Foreign matter shall be removed from the screen, and the screen shall be disinfected.~~

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2. ~~At the end of each day:~~
 - a. ~~The screen shall be removed and all foreign matter trapped behind the screen removed; and~~
 - i. ~~The screen and inlet shall be washed with soap or detergent and a chlorine solution, consisting of 5% chlorine bleach to 1 gallon warm water; or~~
 - ii. ~~The screen shall be washed with soap or detergent and rinsed with clean, clear water then totally immersed in an EPA registered disinfectant with demonstrated bactericidal, fungicidal, virucidal, and pseudomonacidal (formulated for hospitals) efficacy used according to manufacturer's instruction; and~~
 - b. ~~The system shall be flushed with low sudsing soap and warm water for ten minutes then rinsed, drained, and allowed to air dry.~~
 3. ~~Weekly:~~
 - a. ~~After the cleaning procedures in subsection (G)(1) are followed, the foot spa tub or pedi bin shall be filled with five gallons of warm water and four teaspoons of 5% bleach solution (a dose of 50 parts per million: 0.64 oz.);~~
 - b. ~~The bleach solution shall be circulated through the system for five to ten minutes;~~
 - c. ~~The bleach solution shall be allowed to sit at least six hours; and~~
 - d. ~~The system shall be drained and flushed.~~
- G.** All circulating and non-circulating tubs or spas shall be cleaned as follows using the disinfectant in subsection (A)(5) or (6):
1. After each client or service, complete all of the following:
 - a. Drain the tub;
 - b. Clean the tub according to manufacturer's instructions, taking special care to remove all film, especially at the water line;
 - c. Rinse the tub;
 - d. Fill the tub with water and disinfectant as in subsection (A)(5) or (6); and
 - e. Allow the disinfectant to stand for non-circulating tubs or to circulate for circulating tubs for the time specified in manufacturer's instructions.
 2. At the end of the day, complete all of the following:
 - a. Remove all filters, screens, drains, jets, and other removable parts;
 - b. Scrub with a brush and soap or detergent until free from debris;
 - c. Rinse;
 - d. Completely immerse in the solution described in subsection (A)(5);
 - e. Rinse;
 - f. Air dry; and
 - g. Replace the disinfected parts in the tubs or store in a disinfected, dry, covered container.
- H.** Personal cleanliness.
1. A licensee or student shall thoroughly wash his or her hands with soap and warm water or any equally effective cleansing agent immediately before providing services to each client, before checking a student's work on a client, or after smoking, eating, or using the rest room;
 2. A licensee or student shall wear clothing and shoes;
 3. A client's skin upon which services will be performed shall be washed with soap and warm water or wiped with disinfectant or waterless hand cleanser approved for use on skin before a nail technology service, including a pedicure service, is provided; and
 4. A licensee or student shall wear clean, fluid-proof protective gloves while performing any service if any bodily discharge is present from the licensee, student, or client or if any discharge is likely to occur from the client because of services being performed.
- I.** Disease and infestation.
1. A licensee or student who has a contagious disease ~~of a nature that may be transmitted~~, shall not perform services on a client until the licensee or student takes medically approved measures to prevent transmission of the disease; and
 2. Services shall not be performed on an individual who has a contagious disease that may be transmitted by the performing of the services on the individual.
- J.** Client protection.
1. A client's clothing shall be protected from direct contact with shampoo bowls or headrests by the use of clean linens, capes, robes, or protective neck strips;
 2. Infection control shall be maintained and services shall be performed safely to protect the licensee or student and client;
 3. Double bracing shall be used around a client's eyes, ears, lips, fingers, and toes; and
 4. A client shall receive a pre- and post-analysis that includes appropriate instructions for follow-up.
- K.** Care and storage of linens including towels, robes, and capes.
1. Clean linens shall be provided for each client and laundered after each use;
 2. Soiled linens shall be stored in a ventilated receptacle;

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3. Laundering shall include disinfecting linens by using detergent and bleach; and
4. Clean linens shall be stored in closed containers or closets.
- L. Care and storage of products including liquids, creams, powders, cosmetics, chemicals, and disinfectants.
 1. All products shall be stored in a container that is clean and free of corrosion and labeled to identify contents, in compliance with state and local laws and manufacturer's instruction;
 2. All products containing poisonous substances shall be distinctly marked;
 3. When only a portion of a cosmetic product is to be used, the portion shall be removed from the container in a way that does not contaminate the remaining product; and
 4. Once dispensed, a product shall not be returned to the original container.
- M. Prohibited hazardous substances and use of products.
 1. An establishment shall not have on the premises cosmetic products containing hazardous substances ~~that have been~~ banned by the U.S. Food and Drug Administration (FDA) for use in cosmetic products, including liquid methyl methacrylate monomer and methylene chloride; and
 2. Product shall be used only in a manner approved by the FDA.
- N. Care of headrests, shampoo bowls, and treatment tables.
 1. Headrests of chairs and treatment tables shall be disinfected at least daily and treatment tables covered with a clean linen or paper sheet for each client;
 2. Shampoo bowls and neck rests shall be cleansed with soap and warm water or other detergent after each use and kept in good repair; and
 3. Shampoo neck rests shall be disinfected with a solution described in subsection (A)(5) or (A)(6) before each use.
- O. Prohibited devices, ~~or tools, or chemicals;~~ and invasive procedures.
 1. Except as provided in this subsection and subsection (O)(2), all of the following devices, ~~and tools, or chemicals~~ are prohibited from being present in or used in a salon:
 - a. ~~A machine, instrument, device, tool,~~ or chemical that penetrates is designed or used to pierce the dermis; and
 - b. ~~A laser hair removal device;~~
 - c. ~~Low-frequency~~ A low-frequency, or low-power ultrasonic, or sonic device except one intended for skin cleansing, exfoliating, or product application; ~~and,~~
 - d. ~~A razor-edged tool or instrument or other device designed to remove calluses or used to invade the dermis of the skin; and~~
 2. ~~A salon providing an invasive procedure such as laser hair removal, or invasive microdermabrasion, or use of an invasive ultrasound or sonic device shall post a sign as required by R4-10-111; and the procedure shall be performed under appropriate supervision of a medical doctor, nurse practitioner, or doctor of osteopathy as required by the relevant regulatory authority.~~
 2. A salon or licensee that provides an invasive procedure, using a device, tool, or chemical described in subsection (O)(1), that is otherwise allowed under Arizona law shall ensure that the performance of the procedure complies with statutes and rules governing the procedure, training, or supervision as required by the relevant, regulatory authorities.
- P. Skin peeling.
 1. ~~Only~~ Except as provided in subsections (O)(1) and (O)(2), only the non-living, uppermost layer of skin, known as the epidermis, may be removed by any method or means and only for the purpose of beautification;
 2. A skin removal technique or practice that affects the dermal layer of the skin is prohibited;
 3. Skin removal products shall not be mixed or combined except as required by manufacturer instructions and approved by the FDA; and
 4. Only commercially available products for the removal of epidermis for the purpose of beautification shall be used.
- Q. Restricted use tools and instruments.
 1. Nippers shall be used only to remove loose cuticles; and
 2. Pre-sterilized, disposal lancets shall be used only to dilate follicles and release sebaceous debris from the follicle.
- R. Cleanliness and repair of the establishment shall be maintained according to the following guidelines.
 1. After each client, hair and nail clippings shall immediately be discarded;
 2. All areas of the establishment, including storerooms and passageways, shall be well lighted, ventilated, and free from infectious agents;
 3. Floors, walls, woodwork, ceilings, furniture, furnishings, and fixtures shall be clean and in good repair;
 4. Shampoo bowls shall be clean and disinfected by using a disinfectant discussed in subsection (A)(5) or (A)(6) and drains shall be free running;
 5. Counters and all work areas shall be disinfected after each client by using a disinfectant discussed in subsection (A)(5) or (A)(6); and
 6. Waste or refuse shall be removed timely so there is no accumulation.
- S. Building standards.
 1. There shall be a direct entrance from the outside, not through living quarters, into the establishment;
 2. If connected to a residence, all passageways between the living quarters and the establishment shall have a door that

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remains closed during business hours;

3. The establishment shall not be used for residential or other living purposes;
4. The establishment shall have a restroom for employees' and clients' use during business hours that has a wash basin, running water, liquid soap, and disposable towels; is kept clean and sanitary at all times; is in close enough proximity to the salon to ensure safety for cosmetology procedures during use; and is open and available for use by employees and clients of the salon;
5. Any excess material stored in a restroom shall be in a locked cabinet;
6. The establishment shall have hot and cold running water;
7. A mobile unit shall have sufficient water at all times; and
8. The establishment shall have natural or mechanical ventilation and air filtration system that provides free flow of air to each room, prevents the build-up of emissions and particulates, keeps odors and diffusions from chemicals and solutions at a safe level, and provides sufficient air circulation and oxygen.

T. General requirements.

1. The establishment shall have a first-aid kit that contains, at a minimum, small bandages, gauze, antiseptic, and a blood-spill kit that contains disposable bags, gloves, and hazardous waste stickers;
2. No bird or animal, except fish aquariums and service animals, are allowed in the establishment; and
3. The establishment shall comply with federal and state requirements.

ARTICLE 3. STUDENTS

R4-10-301. Instruction; Licensed Individuals

~~No hours toward licensing shall be granted for instruction unless it is part of the approved course training, provided by or in the presence of a licensed instructor in a licensed school, except that up to 16 hours of field trips may be granted toward licensing if the field trips for which those hours were granted were part of the approved course training, provided by or in the presence of a licensed instructor.~~

Licensed schools that provide instruction for licensed individuals pursuant to this Article shall:

1. Keep a record of the date, time, title, and name of the provider of the course along with the attendee's name and license number;
2. Ensure that the instruction consists of professional development related to scope of practice as specified by A.R.S. § 32-501; and
3. Ensure that hours are not granted toward licensing unless it is part of the approved course and provided by or in the presence of a licensed instructor.

R4-10-303. Aesthetics Curriculum Required 600 Hours

A. Each student in an aesthetics course shall complete the following curriculum:

1. Theory of aesthetics, infection control, anatomy, physiology and histology of the body, diseases and disorders, and Arizona cosmetology laws and rules;
2. Clinical and laboratory aesthetics including theory that involves all skin types:
 - a. Principles and practices of infection control and safety;
 - b. Recognition of diseases and the treatment of disorders of the skin;
 - c. Interpersonal skills and professional ethics;
 - d. Clinical and laboratory practice that includes face and body;
 - e. Morphology and treatment of skin, including face and body, by hand and machine;
 - f. Product pharmacology and chemistry interaction, formulation, composition, and hazards;
 - g. Aesthetics machines, tools, and instruments and their related uses;
 - h. Alternative skin technology;
 - i. Pre- and post-client consultation, documentation, and analysis;
 - j. Spa body modalities;
 - k. Exfoliation modalities;
 - l. Body and face massage and manipulations;
 - m. Body and facial hair removal except by electrolysis ~~or laser~~;
 - n. Introduction to electricity and light therapy for cosmetic purposes including laser/Intense Pulsed Light (IPL) procedures and devices;
 - ~~n-o.~~ Cosmetic enhancement applications; and
 - ~~o-p.~~ Required industry standards and ecology, including monitor duties.

B. An aesthetics school shall not receive remuneration for a student performing clinical services to the public until the student has received at least 120 hours of aesthetics training; and

C. Each student shall be evaluated for progress and provided suggested remediation of deficiencies.

R4-10-304. Cosmetology Curriculum Required 1600 Hours

A. Each student in a cosmetology course shall complete the following curriculum:

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1. Theory of cosmetology, infection control, anatomy, physiology and histology of the body, electricity, diseases and disorders, and Arizona cosmetology laws and rules; and
2. Clinical and laboratory cosmetology including theory that involves nails, hair, and skin:
 - a. Principles and practices of infection control and safety;
 - b. Recognition of diseases and the treatment of disorders of the hair, skin, and nails;
 - c. Morphology and treatment of hair, skin, and nails;
 - d. Interpersonal skills and professional ethics;
 - e. Product pharmacology and chemistry interaction, formulation, composition, and hazards;
 - f. Cosmetology machines, tools, and instruments and their related uses;
 - g. Chemical texturizing,
 - h. Changing existing hair color;
 - i. Hair and scalp care;
 - j. Fundamentals of hairstyling including braiding and extensions;
 - k. Body, scalp, and facial massage and manipulations;
 - l. Hair cutting fundamentals;
 - m. Fundamental aesthetics of the body and face;
 - n. Fundamentals of nail technology;
 - o. Clinical and laboratory practice that includes hair, skin, and nails;
 - p. Alternative hair, skin, and nail technology;
 - q. Pre- and post-client consultation, documentation, and analysis;
 - r. Body and facial hair removal except by electrolysis ~~or laser~~;
 - s. Introduction to electricity and light therapy for cosmetic purposes including laser/Intense Pulsed Light (IPL) procedures and devices;
 - ~~s-t.~~ Cosmetology technology; and
 - ~~t-u.~~ Required industry standards and ecology, including monitor duties.
- B. A cosmetology school shall not receive remuneration for a student performing any clinical services, except shampooing, to the public until the student has received at least 300 hours of cosmetology training; and
- C. Each student shall be evaluated for progress and provided suggested remediation of deficiencies.

R4-10-306. Curricula Hours

- A. Hours of training received in an aesthetics, cosmetology, or nail technology course do not apply toward receiving an instructor's license.
- B. Hours of training received in an instructor course do not apply toward receiving an aesthetician, cosmetologist, or nail technician license but may apply toward reactivation of an aesthetics, cosmetology, or nail technology license if the instructor hours are received after inactive status occurs.
- C. The following hours may apply toward licensing:
 1. ~~30%~~ 100% of the hours of training received in a nail technology course toward a cosmetologist license;
 2. ~~30%~~ 100% of the hours of training received in an aesthetics course toward a cosmetologist license;
 3. 100% of the hours of combined training received in an aesthetics course and a nail technology course toward a cosmetology license but the combined total shall not exceed 600 hours;
 - ~~3-4.~~ 15% of the hours of training received in a cosmetology course toward a nail technician license;
 - ~~4-5.~~ 15% of the hours of training received in a cosmetology course toward an aesthetician license;
 - ~~6.~~ 33% of the hours of training received in a nail technology course toward an aesthetics license;
 - ~~7.~~ 66% of the hours of training received in an aesthetics course toward a nail technology license;
 - ~~5-8.~~ 50% of the hours of training received in a barber course toward a cosmetologist license;
 - ~~9.~~ 200 hours of training received for a registered nurse (RN) or clinical nurse specialist (CNS) license toward an aesthetician license;
 - ~~6-10.~~ 100% of the hours of training received by a licensed cosmetologist in a nail technology instructor course toward an aesthetics instructor course; however, the remaining required hours shall be received in an aesthetics or cosmetology school;
 - ~~7-11.~~ 100% of the hours of training received by a licensed cosmetologist in a nail technology instructor course toward a cosmetology instructor course; however, the remaining required hours shall be received in a cosmetology school;
 - ~~8-12.~~ 100% of the hours of training received by a licensed cosmetologist in an aesthetics instructor course toward a cosmetology instructor course; however, the remaining required hours shall be received in a cosmetology school; ~~and~~
 - ~~9-13.~~ 100% of the hours of training received in a barber instructor course toward a cosmetology instructor course; however, the remaining required hours shall be received in a cosmetology school. One year of licensed barber experience is the same as one year of licensed cosmetology experience for the purpose of qualifying for the cosmetology instructor examination specified by A.R.S. § 32-531; and
 - ~~10-14.~~ Hours transferred to another course shall be used only once.
- D. At the completion of a course of instruction, the cumulative hours for students shall, at a minimum, conform to R4-10-

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301, R4-10-302, R4-10-303, R4-10-304, R4-10-305, and R4-10-306 as applicable.

- E. Infection control, disinfection procedures, and safety issues shall be taught with every subject and every procedure.
- F. Alternative learning hours are hours that a school may authorize to enable a student to pursue knowledge of cosmetology in an alternative format or location other than a salon. A school shall not credit a student with more than 20% of the total hours required for graduation, earned during enrollment at the school, as alternative learning hours.
- G. A school that provides alternative format or location in subsection (F) shall include details of the format and location in the school policy and procedures in the school catalog.
- H. Up to 16 hours of field trips may be granted toward licensing if the field trips for which those hours were granted are part of the approved course of instruction and are provided by or in the presence of a licensed instructor.
- I. If a school physically closes while providing curricula in an alternative format or location or while conducting a field trip, the school shall:
 - 1. Post a notice that is visible to the public and students; and
 - 2. Send a notice to the Board indicating the times and location where the curricula is being conducted.
- J. A student instructor may obtain lab (clinic) hours in a licensed school other than the licensed school in which the student instructor is enrolled if the student:
 - 1. Has available proof of enrollment in a licensed school to show to a Board inspector, and
 - 2. Earns no more than the lab (clinic) hours required by R4-10-302.

NOTICE OF FINAL RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 28. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM
ARIZONA LONG-TERM CARE SYSTEM

[R08-156]

PREAMBLE

- | <u>1. Sections Affected</u> | <u>Rulemaking Action</u> |
|-----------------------------|--------------------------|
| R9-28-101 | Amend |
| R9-28-104 | Repeal |
| R9-28-401 | Repeal |
| R9-28-401 | New Section |
| R9-28-401.01 | New Section |
| R9-28-407 | Amend |
| R9-28-408 | Amend |
| R9-28-410 | Amend |
| R9-28-412 | Amend |
| R9-28-415 | Amend |
| R9-28-418 | Amend |
- 2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):
 - Authorizing statute: A.R.S. § 36-2903.01
 - Implementing statute: A.R.S. § 36-2903.01
 - 3. The effective date of the rules:
 - July 5, 2008
 - 4. A list of all previous notices appearing in the Register addressing the final rules:
 - Notice of Rulemaking Docket Opening: 13 A.A.R. 2853, August 17, 2007
 - Notice of Proposed Rulemaking: 13 A.A.R. 4483, December 21, 2007
 - 5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:
 - Name: Mariaelena Ugarte
 - Address: AHCCCS
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E-mail: AHCCCSRules@azahcccs.gov

6. An explanation of the rule, including the agency's reasons for initiating the rule:

A.R.S. § 36-2901 as amended by Laws 2007, Ch 263, § 7 has required the Administration to update the eligibility income limit to the Federal Poverty Level (FPL) of 150 percent for a pregnant woman. The Administration is also proposing amendments to the rules to revise, reorganize, and clarify the enrollment requirements as specified in the Section 1115 waiver with CMS.

7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

No study was reviewed during this rulemaking and the Agency does not anticipate reviewing any studies.

8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

9. The summary of the economic, small business, and consumer impact:

It is anticipated that the contractors, private sector, members, providers, small businesses, political subdivisions, the Department, and the Administration will be minimally impacted by the changes to the rule language. The areas of rule that describe the SOBRA pregnant woman's federal poverty level will be changed from 133% to 150%. This increase in FPL will allow more uninsured pregnant women to meet the income requirements and qualify for medical assistance.

10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

No substantial changes have been made between the proposed rules and the final rules. The Administration made the rules more clear, concise, and understandable by making grammatical, verb tense, punctuation, and structural changes throughout the rules.

11. A summary of the comments made regarding the rule and the agency response to them:

The Administration did not receive any comments regarding the rules.

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable

13. Incorporations by reference and their location in the rules:

Not applicable

14. Was this rule previously adopted as an emergency rule?

No

15. The full text of the rules follows:

TITLE 9. HEALTH SERVICES

**CHAPTER 28. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM
ARIZONA LONG-TERM CARE SYSTEM**

ARTICLE 1. DEFINITIONS

Section

R9-28-101. General Definitions

R9-28-104. ~~Eligibility and Enrollment Related Definitions~~ Repealed

ARTICLE 4. ELIGIBILITY AND ENROLLMENT

Section

R9-28-401. ~~General~~ Eligibility and Enrollment-Related Definitions

R9-28-401.01. General

R9-28-407. Resource Criteria for Eligibility

R9-28-408. Income Criteria for Eligibility

R9-28-410. Community Spouse

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- R9-28-412. General Enrollment
R9-28-415. Enrollment with a Tribal Program Contractor
R9-28-418. Disenrollment

ARTICLE 1. DEFINITIONS

R9-28-101. General Definitions

A. Location of definitions. Definitions applicable to Chapter 28 are found in the following:

Definition Section or Citation

"210" 42 CFR 435.211

"217" 42 CFR 435.217

"236" 42 CFR 435.236

"Acute" R9-28-301

"ADHS" ~~R9-22-102~~ R9-22-101

"ADL" R9-28-101

"Administration" A.R.S. § 36-2931

"Advance notice" R9-28-411

"Aged" R9-28-402

"Aggregate" R9-22-701

"Aggression" R9-28-301

"AHCCCS" R9-22-101

"AHCCCS registered provider" R9-22-101

~~"Algorithm" R9-28-104~~

"ALTCS" R9-28-101

"ALTCS acute care services" ~~R9-28-104~~ R9-28-401

"Alternative HCBS setting" R9-28-101

"Ambulance" A.R.S. § 36-2201

"Ambulation" R9-28-301

"Applicant" R9-22-101

"Assessor" R9-28-301

"Associating time with an event and an action" R9-28-301

"Auto-assignment algorithm" or "Algorithm" R9-22-1701

"Bathing" R9-28-301

"Bathing or showering" R9-28-301

"Bed hold" R9-28-102

"Behavior intervention" R9-28-102

"Behavior management services" R9-22-1201

"Behavioral health evaluation" R9-22-1201

"Behavioral health medical practitioner" R9-22-1201

"Behavioral health professional" R9-20-101

"Behavioral health service" R9-20-101

"Behavioral health technician" R9-20-101

"Billed charges" R9-22-701

"Blind" 42 U.S.C. 1382c(a)(2)

"Capped fee-for-service" R9-22-101

"Caregiver training" R9-28-301

~~"Case management plan" R9-28-101~~

"Case management" R9-28-1101

"Case management plan" R9-28-101

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“Case manager” R9-28-101
“Case record” R9-22-101
“Categorically-eligible” R9-22-101
“Certification” R9-28-501
“Certified psychiatric nurse practitioner” R9-22-1201
“CFR” R9-28-101
“Child” R9-22-1503
“Chronic” R9-28-301
“Clarity of communication” R9-28-301
“Clean claim” A.R.S. § 36-2904
“Climbing stairs or a ramp” R9-28-301
“Clinical supervision” ~~R9-22-102~~ R9-22-201
“CMS” R9-22-101
“Community mobility” R9-28-301
“Community spouse” ~~R9-28-104~~ R9-28-401
“Consecutive days” R9-28-901
“Continence” R9-28-301
“Contract” R9-22-101
“Contract year” ~~R9-28-104~~ R9-22-101
“Contractor” A.R.S. § 36-2901
“Cost avoid” R9-22-1201
“County of fiscal responsibility” R9-28-701
“Covered services” R9-28-101
“CPT” R9-22-701
“Crawling and standing” R9-28-301
“CSRD” ~~R9-28-104~~ R9-28-401
“Current” R9-28-301
“Day” R9-22-101
“De novo hearing” 42 CFR 431.201
“Department” A.R.S. § 36-2901
“Developmental disability” or “DD” A.R.S. § 36-551
“Developmental milestone” R9-28-301
“Diagnostic services” ~~R9-22-102~~ R9-22-101
“Director” R9-22-101
“Disabled” R9-28-402
“Disenrollment” ~~R9-22-117~~ R9-22-1701
“Disruptive behavior” R9-28-301
“DME” ~~R9-22-102~~ R9-22-101
“Dressing” R9-28-301
“Eating” R9-28-301
“Eating or drinking” R9-28-301
“Elderly” R9-28-301
“Emergency medical services for the non-FES member” ~~R9-22-102~~ R9-22-201
“Emotional and cognitive functioning” R9-28-301
“Employed” R9-28-1320
“Encounter” R9-22-701
“Enrollment” ~~R9-22-117~~ R9-22-1701

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“EPD” R9-28-301
“E.P.S.D.T. services” ~~R9-22-101~~ 42 CFR 440.40(b)
“Estate” A.R.S. § 14-1201
“Experimental services” R9-22-101
“Expressive verbal communication” R9-28-301
“Facility” R9-22-101
“Factor” 42 CFR 447.10
“Fair consideration” ~~R9-28-104~~ R9-28-401
“FBR” R9-22-101
“Federal financial participation” or “FFP” 42 CFR 400.203
“Fee-For-Service” or “FFS” ~~R9-28-102~~ R9-22-101
“File” R9-28-901
“First continuous period of institutionalization” R9-28-401
“Food preparation” R9-28-301
“Frequency” R9-28-301
“Functional assessment” R9-28-301
“Grievance” R9-34-202
“Grooming” R9-28-301
“GSA” R9-22-101
“Guardian” A.R.S. § 14-5311
“Hand use” R9-28-301
“HCBS” or “Home and community based services” A.R.S. §§ 36-2931 and ~~36-2939~~
“Health care practitioner” R9-22-1201
“History” R9-28-301
“Home” R9-28-101 and R9-28-901
“Home health services” ~~R9-22-102~~ R9-22-201
“Hospice” A.R.S. § 36-401
“Hospital” R9-22-101
“IADL” R9-28-101
“ICF-MR” or “Intermediate care facility for the mentally retarded” 42 U.S.C. 1396d(d)
“Intergovernmental agreement” ~~R9-28-1101~~
“IHS” ~~R9-28-101~~ R9-22-101
“IMD” or “Institution for mental diseases” 42 CFR 435.1010
“Immediate risk of institutionalization” R9-28-301
“Institutionalized” ~~R9-28-104~~ R9-28-401
“Institutionalized spouse” R9-28-101
“Interested Party” R9-28-106
“Intergovernmental agreement” or “IGA” R9-28-1101
“Intervention” R9-28-301
“JCAHO” R9-28-101
“License” or “licensure” R9-22-101
“Limited or occasional” R9-28-301
“Medical assessment” R9-28-301
“Medical or nursing services and treatments” or “services and treatments” R9-28-301
“Medical record” R9-22-101
“Medical services” A.R.S. § 36-401
“Medical supplies” ~~R9-22-102~~ R9-22-201

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"Medically eligible" ~~R9-28-104~~ R9-28-401
"Medically necessary" R9-22-101
"Member" A.R.S. § 36-2931 and R9-28-901
"Mental disorder" A.R.S. § 36-501
"MMMNA" ~~R9-28-104~~ R9-28-401
"Mobility" R9-28-301
"Noncontracting provider" A.R.S. § 36-2931
"Nursing facility" or "NF" 42 U.S.C. 1396r(a)
"Occupational therapy" ~~R9-22-102~~ R9-22-201
"Orientation" R9-28-301
"Partial care" R9-22-1201
"PAS" R9-28-103
"Personal hygiene" R9-28-301
"Pharmaceutical service" ~~R9-22-102~~ R9-22-201
"Physical interruption" R9-28-301
"Physical participation" R9-28-301
"Physical therapy" ~~R9-22-102~~ R9-22-201
"Physically disabled" R9-28-301
"Physically lift" R9-28-301
"Physician" ~~R9-22-102~~ R9-22-101
"Physician consultant" R9-28-301
"Place" R9-28-901
"Post-stabilization care services" 42 CFR 438.114
"Practitioner" ~~R9-22-102~~ R9-22-201
"Primary care provider" or "(PCP)" ~~R9-22-102~~ R9-22-101
"Primary care provider services" ~~R9-22-102~~ R9-22-201
"Prior authorization" ~~R9-22-102~~ R9-22-101
"Prior period coverage" or "PPC" R9-22-101
"Program contractor" A.R.S. § 36-2931
"Provider" A.R.S. § 36-2931
"Psychiatrist" R9-22-1201
"Psychologist" R9-22-1201
"Psychosocial rehabilitation services" ~~R9-22-102~~ R9-22-201
"Qualified behavioral health service provider" R9-28-1101
"Quality management" R9-22-501
"Radiology" ~~R9-22-102~~ R9-22-101
"Reassessment" R9-28-103
"Recover" R9-28-901
"Redetermination" ~~R9-28-104~~ R9-28-401
"Referral" R9-22-101
"Regional behavioral health authority" or "RBHA" A.R.S. § 36-3401
"Reinsurance" R9-22-701
"Remembering an instruction and demonstration" R9-28-301
"Representative" ~~R9-28-104~~ R9-28-401
"Resistiveness" R9-28-301
"Resistiveness or rebelliousness" R9-28-301
"Respiratory therapy" ~~R9-22-102~~ R9-22-201

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“Respite care” R9-28-102
“RFP” R9-22-106
“Room and board” R9-28-102
“Rolling and sitting” R9-28-301
“Running or wandering away” R9-28-301
“Scope of services” R9-28-102
“Section 1115 Waiver” A.R.S. § 36-2901
“Self-injurious behavior” R9-28-301
“Sensory” R9-28-301
“Seriously mentally ill” or “SMI” A.R.S. § 36-550
“Social worker” R9-28-301
“Special diet” R9-28-301
“Speech therapy” ~~R9-22-102~~ R9-22-201
“Spouse” ~~R9-28-104~~ R9-28-401
“SSA” 42 CFR 1000.10
“SSI” 42 CFR 435.4
“Subcontract” R9-22-101
“TEFRA lien” R9-28-901
“Therapeutic Leave” R9-28-501
“Toileting” R9-28-301
“Transferring” R9-28-301
“TRBHA” ~~R9-28-101~~ R9-22-1201
“Tribal contractor” R9-28-1101
“Tribal facility A.R.S. § 36-2981
“Utilization management” R9-22-501
“Ventilator dependent” R9-28-102
“Verbal or physical threatening” R9-28-301
“Vision” R9-28-301
“Wandering” R9-28-301
“Wheelchair mobility” R9-28-301

- B.** General definitions. In addition to definitions contained in A.R.S. §§ 36-551, 36-2901, 36-2931, and 9 A.A.C. 22, Article 1, the following words and phrases have the following meanings unless the context of the Chapter explicitly requires another meaning:

“ADL” or “Activities of Daily Living” mean activities a member must perform daily for the member’s regular day-to-day necessities, including but not limited to mobility, transferring, bathing, dressing, grooming, eating, and toileting.

“ALTCS” means the Arizona Long-term Care System as authorized by A.R.S. § 36-2932.

“Alternative HCBS setting” means a living arrangement approved by the Director and licensed or certified by a regulatory agency of the state, where a member may reside and receive HCBS, including:

For a person with a developmental disability specified in A.R.S. § 36-551:

Community residential setting defined in A.R.S. § 36-551;

Group home defined in A.R.S. § 36-551;

State-operated group home under A.R.S. § 36-591;

Group foster home under R6-5-5903;

Licensed residential facility for a person with traumatic brain injury under A.R.S. § 36-2939;

Behavioral health adult therapeutic home under 9 A.A.C. 20, Articles 1 and 15;

Level 2 and Level 3 behavioral health residential agencies under 9 A.A.C. 20, Articles 1, 4, 5, and 6; and

Rural substance abuse transitional centers under 9 A.A.C. 20, Articles 1 and 14; and

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For a person who is EPD under R9-28-301, and the facility, setting, or institution is registered with AHCCCS:

Adult foster care defined in A.R.S. § 36-401 and as authorized in A.R.S. § 36-2939;

Assisted living home or assisted living center, units only, under A.R.S. § 36-401, and as authorized in A.R.S. § 36-2939;

Licensed residential facility for a person with a traumatic brain injury specified in A.R.S. § 36-2939;

Behavioral health adult therapeutic home under 9 A.A.C. 20, Articles 1 and 15;

Level 2 and Level 3 behavioral health residential agencies under 9 A.A.C. 20, Articles 1, 4, 5, and 6; and

Rural substance abuse transitional centers under 9 A.A.C. 20, Articles 1 and 14; and

~~Alzheimer's treatment assistive living facility as specified in Laws 1999, Ch. 313, § 35 as amended by Laws 2001, Ch. 140, § 1 and Laws 2003, Ch. 76, § 1, and Laws 1999, Chapter 313, § 41, as amended by Laws 2001, Chapter 140, § 2.~~

"Case management plan" means a service plan developed by a case manager that involves the overall management of a member's care, and the continued monitoring and reassessment of the member's need for services.

"Case manager" means a person who is either a degreed social worker, a licensed registered nurse, or ~~a person with~~ has a minimum of two years of experience in providing case management services to a person who is EPD.

"CFR" means Code of Federal Regulations, unless otherwise specified in this Chapter.

"Covered services" means the health and medical services described in Articles 2 and 11 of this Chapter as being eligible for reimbursement by AHCCCS.

"Home" means a residential dwelling that is owned, rented, leased, or occupied by a member, at no cost to the member, including a house, a mobile home, an apartment, or other similar shelter. A home is not a facility, a setting, or an institution, or a portion of any of these that is licensed or certified by a regulatory agency of the state as a:

Health care institution under A.R.S. § 36-401;

Residential care institution under A.R.S. § 36-401;

Community residential setting under A.R.S. § 36-551; or

Behavioral health facility under 9 A.A.C. 20, Articles 1, 4, 5, and 6.

"IADL" or "Instrumental Activities of Daily Living" mean activities related to independent living that a member must perform, including but not limited to:

Preparing meals.

Managing money.

Shopping for groceries or personal items.

Performing light or heavy housework, and

Use of the telephone.

"IHS" means the Indian Health Service.

"Institutionalized spouse" means the same as defined in 42 U.S.C. 1396r-5.

"JCAHO" means the Joint Commission on Accreditation of Healthcare Organizations.

~~"TRBHA" means the same as in A.A.C. R9-22-1201.~~

R9-28-104. Eligibility and Enrollment Related Definitions Repealed

Definitions. The following words and phrases, in addition to definitions contained in A.R.S. §§ 36-2901 and 36-2931, and 9 A.A.C. 22, Article 1, have the following meanings unless the context of the Chapter explicitly requires another meaning:

~~"211" is defined in 42 CFR 435.211.~~

~~"217" is defined in 42 CFR 435.217.~~

~~"236" is defined in 42 CFR 435.236.~~

~~"Algorithm" means a mathematical formula used by the Administration to assign a member to an EPD program contractor when the member does not make a choice and does not meet the assignment decision process.~~

~~"ALTCS acute care services" means services, under 9 A.A.C. 22, Articles 2 and 12, that are provided to a person who meets ALTCS eligibility requirements in 9 A.A.C. 28, Article 4 but who lives in an acute care living arrangement described in R9-28-406 or who is not eligible for long term care benefits, described in R9-28-409, due to a transfer under R9-28-409 without receiving fair consideration.~~

~~"Community spouse" means the husband or wife of an institutionalized person who has entered into a contract of marriage, recognized as valid by Arizona, and who does not live in a medical institution.~~

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~~“CSRD” means Community Spouse Resource Deduction, the amount of a married couple’s resources that are excluded in the eligibility determination to prevent impoverishment of the community spouse, determined under R9-28-410.~~

~~“Fair consideration” means income, real or personal property, services, or support and maintenance equal to the fair market value of the income or resources that were transferred.~~

~~“Institutionalized” means residing in a medical institution or receiving or expecting to receive HCBS that prevent the person from being placed in a medical institution determined by the PAS under R9-28-103.~~

~~“Medically eligible” means meeting the ALTCS medical eligibility criteria under 9 A.A.C. 28, Article 3.~~

~~“MMMNA” means Minimum Monthly Maintenance Needs Allowance.~~

~~“Redetermination” means a periodic review of all eligibility factors for a recipient.~~

~~“Representative” means a person other than a spouse or a parent of a dependent child, who applies for ALTCS on behalf of another person.~~

~~“Spouse” means a person legally married under Arizona law, a person eligible for Social Security benefits as the spouse of another person, or a person living with another person of the opposite sex and the couple represents themselves in the community as husband and wife.~~

ARTICLE 4. ELIGIBILITY AND ENROLLMENT

R9-28-401. General Eligibility and Enrollment-Related Definitions

A. Application for ALTCS coverage.

1. The Administration shall provide a person the opportunity to apply for ALTCS without delay.
2. A person may be accompanied, assisted, or represented by another in the application process.
3. To apply for ALTCS, a person shall submit a written application to an ALTCS eligibility office.
 - a. The application shall contain the applicant’s name and address.
 - b. A person listed in A.A.C. R9-22-1405(B) shall submit the application.
 - c. Before the application is approved a person listed in A.A.C. R9-22-1405(E) shall sign the application.
 - d. A witness shall also sign the application if an applicant signs the application with a mark.
 - e. The date of application is the date the application is received at any ALTCS eligibility office.
4. Except as provided in R9-22-1501(C)(5), the Administration shall determine eligibility within 45 days from the date of application.
5. An applicant or representative who files an ALTCS application may withdraw the application for ALTCS coverage either orally or in writing to the ALTCS eligibility office where the application was filed. The Administration shall provide the applicant with a denial notice under subsection (G).
6. If an applicant dies while an application is pending, the Administration shall complete an eligibility determination for the deceased applicant.
7. The Administration shall complete an eligibility determination on an application filed on behalf of a deceased applicant, if the application is filed in the month of the person’s death.

B. Conditions of ALTCS eligibility. Except for persons identified in subsection (C), the Administration shall approve a person for ALTCS if all conditions of eligibility for one of the ALTCS coverage groups listed in R9-28-402(B) are met. The conditions of eligibility are:

1. Categorical requirements under R9-28-402;
2. Citizenship and alien status under R9-28-404;
3. SSN under R9-28-405;
4. Living arrangements under R9-28-406;
5. Resources under R9-28-407;
6. Income under R9-28-408;
7. Transfers under R9-28-409;
8. A legally authorized person shall assign rights to the Administration for medical support and for payment of medical care from any first- and third-parties and shall cooperate by:
 - a. Obtaining medical support and payments and establishing paternity for a child born out of wedlock, except for pregnant women under A.A.C. R9-22-1421, unless the person establishes good cause under 42 CFR 433.147 for not cooperating; and
 - b. Identifying and providing information to assist the Administration in pursuing first and third parties who may be liable to pay for care and services unless the person establishes good cause for not cooperating;
9. A person shall take all necessary steps to obtain annuity, pension, retirement, and disability benefits for which a person may be entitled unless the person establishes good cause for not doing so;
10. State residency under R9-28-403;
11. Medical eligibility specified in Article 3 of this Chapter; and

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12. Providing information and verification specified in Section (D).
- C.** Persons eligible for Title IV-E or Title XVI. To be determined eligible for ALTCS, a person eligible for benefits under Title IV-E or Title XVI of the Social Security Act shall provide information to allow the Administration to determine:
1. Medical eligibility specified in Article 3 of this Chapter;
 2. Post-eligibility treatment of income specified in R9-28-408;
 3. Trusts in accordance with federal and state law; and
 4. Transfer of property specified in R9-28-409.
- D.** Verification. If requested by the Administration, a person shall provide information and documentation to verify the following criteria or shall authorize the Administration to verify the following criteria:
1. Categorical requirements under R9-28-402;
 2. SSN under R9-28-405;
 3. Living arrangements under R9-28-406;
 4. Resources under R9-28-407;
 5. Transfers of assets under R9-28-409;
 6. Income under R9-28-408;
 7. Citizenship and alien status under R9-28-404;
 8. First- and third-party liability under subsection (B)(8);
 9. Application for potential benefits under subsection (B)(9);
 10. State residency under R9-28-403;
 11. Medical conditions under Article 3 of this Chapter; and
 12. Other individual circumstances necessary to determine a person's eligibility and post-eligibility treatment of income (share-of-cost).
- E.** Documentation of the eligibility decision. The ALTCS eligibility interviewer shall include facts in a person's case record to support the decision on the person's application.
- F.** Eligibility effective date. Eligibility is effective the first day of the month that all eligibility requirements are met but no earlier than the month of application.
- G.** Notice. The Administration shall send a person a written notice of the decision regarding the person's application. The notice shall include a statement of the action and an explanation of the person's hearing rights specified in Article 8 of this Chapter and:
1. If the applicant's eligibility is approved, the notice shall contain:
 - a. The effective date of eligibility; and
 - b. Post-eligibility treatment of income (share-of-cost) information, which is the amount the person shall pay toward the cost of care.
 2. If the applicant's eligibility is denied, the notice shall contain:
 - a. The effective date of the denial;
 - b. A statement detailing the reason for the person's denial, including specific financial calculations and the financial eligibility standard if applicable; and
 - c. The legal authority supporting the decision.
- H.** Confidentiality. The Administration shall maintain the confidentiality of a person's record and shall not disclose the person's financial, medical, or other privacy interests except under A.A.C. R9-22-512.

Definitions. For purposes of this Article, the following words and phrases, in addition to definitions contained in A.R.S. §§ 36-2901 and 36-2931, and 9 A.A.C. 22, Article 1, have the following meanings unless the context of the Chapter explicitly requires another meaning:

"ALTCS acute care services" means services under 9 A.A.C. 22, Articles 2 and 12, that are provided to a person who meets ALTCS eligibility requirements in 9 A.A.C. 28, Article 4 and who:

Lives in an acute care living arrangement described in R9-28-406; or

Is not eligible for long-term care benefits, described in R9-28-409, due to a transfer under R9-28-409 without receiving fair consideration; or

Has refused institutionalized or HCBS services.

"Community spouse" means the husband or wife of an institutionalized person who has entered into a contract of marriage, recognized as valid by the state of Arizona, and who does not live in a medical institution.

"CSRD" means Community Spouse Resource Deduction, the amount of a married couple's resources that is excluded in the eligibility determination to prevent impoverishment of the community spouse as determined under R9-28-410.

"Fair consideration" means income, real or personal property, services, or support and maintenance equal to or exceeding the fair market value of the income or resources that were transferred.

"First continuous period of institutionalization" means the first period beginning on or after September 30, 1989 that the applicant was institutionalized for 30 consecutive days or more. To be considered institutionalized, the applicant

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must:

Have resided in a medical institution;

Have received paid formal Home and Community Based Services (HCBS);

Have received a combination of medical institutionalization and HCBS, or

Intend to receive HCBS and either:

Requests a Resource Assessment and is determined in need of institutional services by a Resource Assessment Medical Evaluation; or

Applies for ALTCS and is determined medically eligible by the Pre-Admission Screening (PAS).

“Institutionalized” means residing in a medical institution or receiving or expecting to receive HCBS that prevent the person from being placed in a medical institution as determined by the PAS.

“Medically eligible” means meeting the ALTCS medical eligibility criteria under Article 3 of this Chapter.

“MMMNA” means Minimum Monthly Maintenance Needs Allowance.

“Redetermination” means a periodic review of all eligibility factors for a recipient.

“Representative” means a person other than a spouse or a parent of a dependent child, who applies for ALTCS on behalf of another person.

“Spouse” means a person legally married under Arizona law, a person eligible for Social Security benefits as the spouse of another person, or a person living with another person of the opposite sex and the couple represents themselves in the community as husband and wife.

R9-28-401.01. General

A. Application for ALTCS coverage.

1. The Administration shall provide a person the opportunity to apply for ALTCS without delay.
2. A person may be accompanied, assisted, or represented by another in the application process.
3. To apply for ALTCS, a person shall submit an application to an ALTCS eligibility office.
 - a. The application shall contain the applicant’s name and address.
 - b. Before the application is approved, a person listed in A.A.C. R9-22-1406(D) shall sign the application.
 - c. A witness shall also sign the application if an applicant signs the application with a mark.
 - d. The date of application is the date the application is received by the Administration or Department as described in R9-22-1406(C).
4. Except as provided in R9-22-1501(D)(5), the Administration shall determine eligibility within 45 days from the date of application.
5. An applicant or representative who files an ALTCS application may withdraw the application for ALTCS coverage either orally or in writing to the ALTCS eligibility office where the application was filed. The Administration shall provide the applicant with a denial notice under subsection (G).
6. If an applicant dies while an application is pending, the Administration shall complete an eligibility determination for the deceased applicant.
7. If a person dies before an application is filed, the Administration shall complete an eligibility determination on an application filed on behalf of the deceased applicant, if the application is filed in the month of the person’s death.

B. Conditions of ALTCS eligibility. Except for persons identified in subsection (C), the Administration shall approve a person for ALTCS if all conditions of eligibility for one of the ALTCS coverage groups listed in R9-28-402(B) are met. The conditions of eligibility are:

1. Categorical requirements under R9-28-402;
2. Citizenship and alien status under R9-28-404;
3. SSN under R9-28-405;
4. Living arrangements under R9-28-406;
5. Resources under R9-28-407;
6. Income under R9-28-408;
7. Transfers under R9-28-409;
8. A legally authorized person shall assign rights to the Administration for medical support and for payment of medical care from any first- and third-parties and shall cooperate by:
 - a. Obtaining medical support and payments and establishing paternity for a child born out of wedlock, except for pregnant women under A.A.C. R9-22-1421, unless the person establishes good cause under 42 CFR 433.147 for not cooperating; and
 - b. Identifying and providing information to assist the Administration in pursuing first-and third-parties who may be liable to pay for care and services unless the person establishes good cause for not cooperating;
9. A person shall take all necessary steps to obtain annuity, pension, retirement, and disability benefits for which a person may be entitled unless the person establishes good cause for not doing so;

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10. State residency under R9-28-403;
11. Medical eligibility as specified in Article 3 of this Chapter; and
12. Providing information and verification as specified in subsection (D).
- C.** Persons eligible for Title IV-E or Title XVI. To be determined eligible for ALTCS, a person eligible for benefits under Title IV-E or Title XVI of the Social Security Act shall provide information to allow the Administration to determine:
 1. Medical eligibility as specified in Article 3 of this Chapter.
 2. Post-eligibility treatment of income as specified in R9-28-408.
 3. The existence of trusts in accordance with federal and state law, and
 4. Transfer of property as specified in R9-28-409.
- D.** Verification. If requested by the Administration, a person shall provide information and documentation to verify the following criteria or shall authorize the Administration to verify the following criteria:
 1. Conditions of eligibility as specified in subsection (B); and
 2. Other individual circumstances necessary to determine a person's eligibility and post-eligibility treatment of income (share-of-cost).
- E.** Documentation of the eligibility decision. The ALTCS eligibility interviewer shall include facts in a person's case record to support the decision on the person's application.
- F.** Eligibility effective date. Eligibility is effective the first day of the month that all eligibility requirements are met but no earlier than the month of application.
- G.** Notice. The Administration shall send a person a written notice of the decision regarding the person's application. The notice shall include a statement of the action and an explanation of the person's hearing rights as specified in 9 A.A.C. 34 and:
 1. If the applicant's eligibility is approved, the notice shall contain:
 - a. The effective date of eligibility; and
 - b. Post-eligibility treatment of income (share-of-cost) information, which is the amount the person shall pay toward the cost of care.
 2. If the applicant's eligibility is denied, the notice shall contain:
 - a. The effective date of the denial;
 - b. A statement detailing the reason for the person's denial, including specific financial calculations and the financial eligibility standard if applicable; and
 - c. The legal authority supporting the decision.
- H.** Confidentiality. The Administration shall maintain the confidentiality of a person's record and shall not disclose information regarding the person's financial, medical, or other privacy interests except under A.A.C. R9-22-512.

R9-28-407. Resource Criteria for Eligibility

- A.** The following Medicaid-eligible persons shall be deemed to meet the resource requirements for ALTCS eligibility unless ineligible due to federal and state laws regarding trusts.
 1. A person receiving Supplemental Security Income (SSI);
 2. A person receiving Title IV-E Foster Care Maintenance payment; or
 3. A person receiving a Title IV-E Adoption Assistance.
- B.** Except as provided in subsection ~~(D)~~ **(C)**, if a person's ALTCS eligibility is most closely related to SSI and is not included in subsection (A), the Administration shall determine eligibility using resource criteria in 42 U.S.C. 1382(a)(3), 42 U.S.C. 1382b, and 20 CFR 416 Subpart L.
- ~~**C.** If a person's ALTCS eligibility is determined as a member of a family group including a dependent child, the Administration shall use the resource criteria in Section 2 of the AFDC State Plan as it existed on July 16, 1996 to determine eligibility.~~
- ~~**D.**~~ **C.** The Administration permits the following exceptions to the resource criteria for a person identified in subsection (B):
 1. Resources of ~~a responsible relative (the spouse or parent) of a minor child~~ are disregarded beginning the first day in the month the person is institutionalized.
 2. The value of household goods and personal effects is excluded.
 3. The value of oil, timber, and mineral rights is excluded.
 4. The value of all of the following shall be disregarded:
 - a. Term insurance;
 - b. Burial insurance;
 - c. Assets that a person has irrevocably assigned to fund the expense of a burial;
 - d. The cash value of all life insurance if the face value does not exceed \$1,500 total per insured person and the policy has not been assigned to fund a pre-need burial plan or ~~declaratively designated~~ has a legally binding designation as a burial fund;
 - e. The value of any burial space held for the purpose of providing a place for the burial of the person, a spouse, or any other member of the immediate family;
 - f. ~~At the time of eligibility determination, \$1,500 of the equity value of an asset declaratively designated that has a~~

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legally binding designation as a burial fund or a revocable burial arrangement if there is no irrevocable burial arrangement; and

- g. ~~If the person remains continuously eligible~~ During the time a person remains continuously eligible, all appreciation in the value of the assets in subsection ~~(D)(4)(f)~~ (C)(4)(f) will be disregarded; and
- h. The ~~value amount~~ of a payment refunded by a nursing facility after ALTCS approval is only excluded for six months beginning with the month of ~~receipt~~ the refund was received. The Administration shall evaluate the refund in accordance with R9-28-409 if transferred without receiving something of equal value.

~~E-D.~~ For an institutionalized spouse, a resource disregard is allowed under ~~42 U.S.C. 1396r-5(h)(1), September 30, 1989 and 42 U.S.C. 1396r-5(c).~~

~~F-E.~~ Trusts are evaluated in accordance with federal and state laws to determine eligibility.

~~G-F.~~ A person is not eligible for long-term care services if countable resources exceed the following limits:

- 1. For a SSI-related person identified in subsection (B), the limit is \$2,000 or \$3,000 per couple under 20 CFR 416.1205.
- 2. ~~For a person described in subsection (C), the limit is \$2,000; and~~
- 3. ~~2.~~ For a person eligible under 42 U.S.C. 1396a(a)(10)(A)(i)(IV), 42 U.S.C. 1396a(a)(10)(A)(i)(VI), and 42 U.S.C. 1396a(a)(10)(A)(i)(VII), there is no resource limit.

~~H-G.~~ A person shall provide information and verification necessary to determine the countable value of resources.

R9-28-408. Income Criteria for Eligibility

~~A.~~ The following Medicaid-eligible persons shall be deemed to meet the income requirements for eligibility unless ineligible due to a trust in accordance with federal and state law.

A. The following Medicaid-eligible persons shall be deemed to meet the resource requirements for ALTCS eligibility unless ineligible due to federal and state laws regarding trusts.

- 1. A person receiving Supplemental Security Income (SSI);
- 2. A person receiving Title IV-E Foster Care Maintenance Payments; or
- 3. A person receiving a Title IV-E Adoption Assistance.

B. If a person's ALTCS eligibility is most closely related to SSI and the person is not included in subsection (A), the Administration shall count the income described in 42 U.S.C. 1382a and 20 CFR 416 Subpart K to determine eligibility with the following exceptions:

- 1. Income types excluded by 42 U.S.C. 1382a(b) for determining net income are also excluded in determining gross income to determine eligibility;
- 2. Income of ~~a responsible relative (the parent or spouse) of a minor child~~ is counted as part of income under 42 CFR 435.602, except that the income of ~~a responsible relative~~ the parent or spouse is disregarded for the month the person is institutionalized;
- 3. In-kind support and maintenance, under 42 U.S.C. 1382a(a)(2)(A), are excluded for both net and gross income tests;
- 4. The income exceptions under A.A.C. ~~R9-22-1503(A)(2)~~ R9-22-1503(B) apply to the net income test; and
- 5. Income described in subsection ~~(E)~~ (D) is excluded.

~~C.~~ If a person's ALTCS eligibility is determined as a member of a family with a dependent child, the Administration shall use the methodology in Section 2 of the AFDC State Plan as it existed on July 16, 1996 to determine eligibility.

~~D-C.~~ For a person whose eligibility is determined under 42 U.S.C. 1396a(a)(10)(A)(i)(IV), 42 U.S.C. 1396a(a)(10)(A)(i)(VI), or 42 U.S.C. 1396a(a)(10)(A)(i)(VII), the methodology in A.A.C. ~~R9-22-1403~~ R9-22-1420 through R9-22-1426 is used to determine eligibility in accordance with 42 CFR 435.602. Income standards are then applied as described in A.A.C. R9-22-1428.

~~E-D.~~ The following are income exceptions:

- 1. Disbursements from a trust are considered in accordance with federal and state law; and
- 2. For an institutionalized spouse, a person defined in 42 U.S.C. 1396r-5(h)(1), income is calculated ~~for the institutionalized spouse~~ in accordance with 42 U.S.C. 1396r-5(b).

~~F-E.~~ As a condition of eligibility for ALTCS, countable income shall be less than or equal to the following limits:

- 1. For a person in either the 217 or 236 coverage group specified in R9-28-402(B), 300 percent of the FBR;
- 2. For a person or a couple in the SSI-related 210 coverage group specified in R9-28-402(B), 100 percent of the FBR;
- 3. For a person who is under 42 U.S.C. 1396a(a)(10)(A)(i)(IV), 42 U.S.C. 1396a(a)(10)(A)(i)(VI), and 42 U.S.C. 1396a(a)(10)(A)(i)(VII) and is:
 - a. A child who is at least age 6 but less than age 19; 100 percent of the FPL, adjusted by household size;
 - b. A child age 1 through 5, 133 percent of the FPL, adjusted by household size; ~~or~~
 - c. A child less than age 1 ~~or a pregnant woman~~, 140 percent of the FPL, adjusted by household size; or
 - d. A pregnant woman, 150 percent of the FPL, adjusted by household size.
- 4. ~~For a person who is a member of a family with a dependent child, the standards specified in Section 2 of the AFDC State Plan as it existed on July 16, 1996 shall apply.~~

~~G-F.~~ The Director shall determine the amount a person shall pay for the cost of ALTCS services and the post-eligibility treatment of income (share-of-cost) under A.R.S. § 36-2932(L) and 42 CFR 435.725 or 42 CFR 435.726. The Director shall

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consider the following in determining the share-of-cost:

1. Income types excluded by 42 U.S.C. 1382a(b) for determining net income are excluded in determining share-of-cost;
2. SSI benefits paid under 42 U.S.C. 1382(e)(1)(E) and (G) to a person who receives care in a hospital or nursing facility are not included in calculating the share-of-cost;
3. The share-of-cost of a person with a spouse is calculated as follows:
 - a. If an institutionalized person has a community spouse under 42 U.S.C. 1396r-5(h), share-of-cost is calculated under R9-28-410 and 42 U.S.C. 1396r-5(b) and (d); and
 - ~~b. If an institutionalized person does not have a community spouse, share of cost is calculated solely on the income of the institutionalized person.~~
 - ~~b. If an institutionalized person has a spouse who does not live at home but is absent due to marital estrangement, or who resides in a medical institution or in an approved setting specified in R9-28-504, only the institutionalized person's income is used for the share of cost. The spousal deduction under subsection (F)(5)(b) is not allowed; and~~
 - ~~e. For all other persons, the share of cost is calculated by dividing the combined income of the spouses in half;~~
4. Income assigned to a trust is considered in accordance with federal and state law.
5. The following expenses are deducted from the share-of-cost of an eligible person to calculate ~~their~~ the person's share-of-cost:
 - a. A personal-needs allowance equal to 15 percent of the FBR for a person residing in a medical institution for a full calendar month. A personal-needs allowance equal to 300 percent of the FBR for a person who receives or intends to receive HCBS or who resides in a medical institution for less than the full calendar month;
 - b. A spousal allowance, equal to the FBR minus the income of the spouse, if a spouse but no children remain at home;
 - c. A family allowance equal to the standard specified in Section 2 of the AFDC State Plan as it existed on July 16, 1996 for the number of family members minus the income of the family members if a spouse and children remain at home;
 - d. Expenses for the medical and remedial care services listed in subsection (6) if ~~these~~ the expenses have not been paid or are not subject to payment by a third-party, ~~but~~ the person still has the obligation to pay the expense, and one of the following conditions is met:
 - i. The expense represents a ~~current payment (that is, a payment made and reported to the Administration during the application period or a payment reported to the Administration no later than the end of the month following the month in which the payment occurred)~~ and the expense has not previously been allowed a share-of-cost deduction; or
 - ii. The expense represents the unpaid balance of an allowed, noncovered medical or remedial expense, and the expense has not been previously ~~deducted from the share-of-cost~~ a share-of-cost deduction;
 - e. An amount determined by the Director for the maintenance of a single person's home for not longer than six months if a physician certifies that the person is likely to return home within that period; or
 - f. An amount for Medicare and other health insurance premiums, deductibles, or coinsurance not subject to third-party reimbursement; and
6. In the post-eligibility calculation of income:
 - ~~a. the~~ The Administration recognizes that the following medical and remedial care services are not covered under the Title XIX State Plan, nor covered by a program contractor ~~to for~~ a person determined to need institutional services under this Article when the medical or remedial care services are medically necessary for ~~a~~ the person:
 - ~~a-i.~~ Nonemergency dental services for a person who is age 21 or older;
 - ~~b-ii.~~ Hearing aids and hearing aid batteries for a person who is age 21 or older;
 - ~~c-iii.~~ Nonemergency eye care and prescriptive lenses for a person who is age 21 or older;
 - ~~d-iv.~~ Chiropractic services, including treatment for subluxation of the spine, demonstrated by x-ray;
 - ~~e-v.~~ Orthognathic surgery for a person who is age 21 years of age or older; ~~and or~~
 - ~~f.b.~~ On a case-by-case basis, other noncovered medically necessary services that a person petitions the Administration for and the Director approves.

~~H-G.~~ A person shall provide information and verification of income under A.R.S. § 36-2934(G) and 20 CFR 416.203.

R9-28-410. Community Spouse

- A. The methodology in this Section applies to an institutionalized person who ~~is legally married and~~ has a community spouse ~~who resides in the community.~~
- B. If the institutionalized person's most current period of continuous institutionalization began on or after September 30, 1989, the Administration shall use the methodology for the treatment of resources under 42 U.S.C. 1396r-5(c), ~~September 30, 1989 incorporated by reference and on file with the Administration and the Secretary of State. This incorporation by reference contains no future editions or amendments.~~
 1. The following resource criteria shall be used in addition to the criteria specified in R9-28-407 to be eligible:
 - a. Resources owned by a couple at the beginning of the first continuous period of institutionalization from and after

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September 30, 1989, shall be computed from the first day of institutionalization. The total value of resources owned by the institutionalized spouse and the community spouse, and a spousal share equal to ~~1/2~~ one-half of the total value, are computed under 42 U.S.C. 1396r-5(c)(1), ~~September 30, 1989 incorporated by reference and on file with the Administration and the Secretary of State. This incorporation contains no future editions or amendments.~~

- b. The Community Spouse Resource Reduction (CSRDR) is calculated under 42 U.S.C. 1396r-5(f)(2), ~~September 30, 1989, incorporated by reference and on file with the Administration and the Secretary of State. This incorporation by reference contains no future editions or amendments.~~
- c. The CSRDR is subtracted from the total resources of the couple to determine the amount of the couple's resources considered available to the institutionalized spouse at the time of application under 42 U.S.C. 1396r-5(c)(2), ~~September 30, 1989, incorporated by reference and on file with the Administration and the Secretary of State. This incorporation by reference contains no future editions or amendments.~~
 - i. Resources in excess of the CSRDR must be equal to or less than the standard for a person specified in R9-28-407.
 - ii. The CSRDR is allowed as a deduction for 12 consecutive months beginning with the first month in which the institutionalized spouse is eligible for ALTCS benefits. Beginning with the 13th month, the separate property of the institutionalized spouse must be within the resource standard for a person specified in R9-28-407.
 - iii. If a person, ~~who was~~ previously eligible for ALTCS ~~using the community spouse policy,~~ as an institutionalized person with a community spouse reapplies for ALTCS after a break in institutionalization of more than 30 days, the CSRDR will be allowed as a deduction from resources for ~~another a~~ 12-month period in addition to the period in subsection (c)(ii).

- 2. Resources are excluded as specified in R9-28-407, except that one vehicle is totally excluded regardless of its value, and any additional vehicles are included using equity value.
- 3. The Director may grant eligibility if the Administration determines that a denial of eligibility would create an undue hardship ~~for the institutionalized spouse.~~

C. ~~The community spouse policy~~ This Section applies to the income eligibility and post-eligibility treatment of income beginning September 30, 1989, regardless of when the first period of institutionalization began.

- 1. Income payments are attributed to the institutionalized ~~spouse person~~ and the community spouse under 42 U.S.C. 1396r-5(b)(2), ~~October 1, 1993 incorporated by reference and on file with the Administration and the Secretary of State. This incorporation by reference contains no future editions or amendments.~~
- 2. Income is excluded as specified in R9-28-408.
- 3. The institutionalized spouse's income eligibility is determined ~~under community property rules in which the income of the by combining the income of the institutionalized person and the community spouse is combined and divided dividing by 2 two. Income~~ If the institutionalized person is not eligible using this method, the income eligibility shall be based on the income received in the person's name ~~if the person is not eligible using community property rules.~~
- 4. The ~~items following allowances~~ described in 42 U.S.C. 1396r-5(d)(1) and (2) are allowed as deductions from the institutionalized spouse's income in determining share-of-cost ~~and 42 U.S.C. 1396r-5(d)(1) and (2), September 30, 1989, are incorporated by reference and on file with the Administration and the Secretary of State and contain no future editions or amendments:~~
 - a. A personal-needs allowance specified in R9-28-408(f)(5)(a);
 - b. A community spouse monthly income allowance, but only to the extent that the institutionalized spouse's income is made available to or for the benefit of the community spouse;
 - c. A family allowance for each family member equal to ~~1/3~~ one-third of the amount remaining after deducting the countable income of the family member from a minimum monthly-needs allowance (MMMNA);
 - d. An amount for medical or remedial services as specified in R9-28-408; and-
 - e. An amount for Medicare and other health insurance premiums, deductibles, or coinsurance not subject to third-party reimbursement.

D. Transfers.

- 1. The institutionalized spouse may transfer to any of the following an amount of resources equal to the CSRDR without affecting eligibility under 42 U.S.C. 1396r-5(f), ~~September 30, 1989, incorporated by reference and on file with the Administration and the Secretary of State. This incorporation by reference contains no future editions or amendments.~~ The institutionalized spouse may transfer resources to:
 - a. The community spouse; or
 - b. Someone other than the community spouse if the resources are for the sole benefit of the community spouse.
- 2. The institutionalized spouse is allowed a period of 12 consecutive months, beginning with the first month of eligibility, to transfer resources in excess of the resource standard in R9-28-407(E)(2) to the persons listed in subsection (D)(1).
- 3. All other transfers by the institutionalized person or transfers by the community spouse are treated under the provisions in R9-28-409.

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- E. Specific hearing rights as described under 9 A.A.C. 34 apply to a person whose eligibility is determined under this Section.
1. The institutionalized spouse or the community spouse is entitled to a fair hearing if dissatisfied with the determination of any of the following:
 - a. The community spouse monthly income allowance;₂
 - b. The amount of monthly income allocated to the community spouse;₂
 - c. The computation of the spousal share of resources;₂
 - d. The attribution of resources;₂ or
 - e. The CSRD.
 2. The hearing officer may increase the amount of the MMMNA if either the community spouse or institutionalized spouse establishes that the community spouse needs income above the established MMMNA due to exceptional circumstances.
 3. The hearing officer may increase the amount of the CSRD to allow the community spouse to retain enough resources to generate income to meet the MMMNA. The hearing officer may allow the community spouse ~~may be allowed to~~ retain an amount of resources necessary to purchase a single premium life annuity that would furnish monthly income sufficient to bring the community spouse's total monthly income up to the MMMNA.

R9-28-412. General Enrollment

- A. Program contractors. The Administration shall enroll each ALTCS member with ~~one of the following ALTCS program contractors or the FFS program as specified in A.R.S. § 36-2933:~~
1. An elderly and physically disabled (EPD) program contractor,
 2. The developmentally disabled (DD) program contractor,
 3. A tribal program contractor, or
 4. The AHCCCS fee-for-service program.
- B. Enrollment choice. An ALTCS member may choose a program contractor:
1. At the time of application, or
 2. If the ALTCS member establishes a home outside of the GSA.
- ~~B.C.~~ Annual enrollment. If an ALTCS member is elderly or physically disabled and lives in a GSA served by more than one program contractor, a member may change to an available program contractor ~~contractors contractor~~ during the annual enrollment choice period ~~or as permitted as specified in R9-28-507.~~
- D. A program contractor is responsible for the enrolled ALTCS member as described in R9-28-712, County-of-Fiscal Responsibility.

R9-28-415. Enrollment with a Tribal Program Contractor

- A. On-reservation. ~~The Notwithstanding R9-28-412, the~~ Administration shall enroll ~~an Indian~~ a Native American ALTCS member who is elderly or physically disabled with the ALTCS tribal program contractor as specified in A.R.S. § 36-2932 if ~~a~~ the person:
1. Lives on-reservation of a tribe participating as an ALTCS tribal program contractor, or
 2. Lived on-reservation of a tribe participating as an ALTCS tribal program contractor immediately prior to placement in an off-reservation NF or alternative HCBS setting.
- B. Off-reservation. The Administration shall enroll ~~an Indian~~ a Native American ALTCS member who is elderly or physically disabled with an EPD program contractor under R9-28-413, if ~~a~~ the member lives off-reservation, and ~~has no~~ does not have on-reservation status as specified in subsection (A)(2).

R9-28-418. Disenrollment

The Administration shall disenroll an ALTCS member on the last day of the month following receipt of appropriate notification under R9-28-411 ~~except under the following situations:~~

1. The Administration shall disenroll an ALTCS member who dies. A member's last day of enrollment shall be the date of death.
2. The Administration may disenroll a member immediately if requested.
3. ~~The Administration shall disenroll a member effective the date of the hearing decision if~~ If ALTCS benefits have been continued pending an eligibility appeal decision and the discontinuance is upheld, as specified in 9 A.A.C. 28, Article & 9 A.A.C. 34, the Administration shall disenroll a member effective on the date of the hearing decision.

NOTICE OF FINAL RULEMAKING

TITLE 17. TRANSPORTATION

CHAPTER 4. DEPARTMENT OF TRANSPORTATION
TITLE, REGISTRATION, AND DRIVER LICENSES

[R08-157]

PREAMBLE

- 1. Sections Affected**
R17-4-309
Appendix A
- Rulemaking Action**
Amend
Repeal
- 2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
Authorizing statute: A.R.S. § 28-366
Implementing statute: A.R.S. § 28-101
- 3. The effective date of the rules:**
July 5, 2008
- 4. A list of all previous notices appearing in the Register addressing the final rule:**
Notice of Rulemaking Docket Opening: 13 A.A.R. 4046, November 16, 2007
Notice of Proposed Rulemaking: 13 A.A.R. 4574, December 28, 2007
- 5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
Name: Celeste M. Cook, Administrative Rules Analyst
Address: Administrative Rule Unit
Department of Transportation, Motor Vehicle Division
1801 W. Jefferson St., Mail Drop 530M
Phoenix, AZ 85007
Telephone: (602) 712-7624
Fax: (602) 712-3081
E-mail: ccook@azdot.gov
Please visit the ADOT web site to track progress of this rule and any other agency rulemaking matters at www.azdot.gov/mvd/MVDRules/rules.asp.
- 6. An explanation of the rule, including the agency's reason for initiating the rule:**
This rulemaking action arises from a Five-Year Review Report approved by the Governor's Regulatory Review Council on February 3, 2004. The Arizona Department of Transportation, Motor Vehicle Division, proposes to amend the existing rules to conform to current statute, remove, or update related citations. Changes are also made to ensure conformity with the Arizona Administrative Procedures Act, Secretary of State, and Governor's Regulatory Review Council rulemaking format and style requirements.
- 7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**
Not applicable
- 8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**
Not applicable
- 9. The summary of the economic, small business, and consumer impact:**
The anticipated economic impact of this rulemaking on the Division is minimal. The costs imposed by this rulemaking are the minimal costs associated with administering the program and the costs of rulemaking activity.
The Division anticipates that the economic impact of this rulemaking on small businesses are moderate to substantial for businesses and members of the public that choose to apply for a Private Fire Emergency Vehicle Permit. Applying for the permit is a voluntary procedure. Businesses that do apply will incur the costs associated with obtaining liability insurance, fire engine maintenance, and training qualified operators.

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The Division anticipates that the rulemaking will have no economic impact on consumers.

10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

An internal review resulted in a decision to remove the permit renewal process and the operator application requirement, causing the rulemaking to be less restrictive. In addition, minor grammatical and style corrections were made at the request of Governor's Regulatory Review Council staff.

11. A summary of the comments made regarding the rule and the agency response to them:

Received from Kerry Reeves, Division Manager Pima County Office of Emergency Management and Homeland Security, a request for information: Can a private citizen volunteering for a fire department apply for a Private Fire Emergency Vehicle Permit for their personal vehicle under R17-4-309?

The Division's response:

The Division's principal concern is public safety. Given that, under A.R.S. § 28-624 and A.A.C. R17-4-309, the operator of a private fire engine, for which a Private Fire Emergency Vehicle Permit has been issued, is authorized to violate a host of normally applicable traffic laws designed to facilitate public safety; it is imperative that any business receiving a permit ensure that their fire engines are operated safely.

In the interest of public safety, the Private Fire Emergency Vehicle Permit may only be issued to a fire fighting organization that provides emergency fire-fighting devices for a private purpose that is neither a public service corporation nor a municipal entity. Businesses that are applying for a Private Fire Emergency Vehicle Permit are likely to do so in order to ensure that their property, employees, and the public are better protected from the dangers of fire.

Additionally, the fire engines and their operators must meet rigorous safety requirements. Fire engines must successfully pass an annual safety inspection conducted by the National Fire Protection Association's Standard 102 (NFPA 102) and Department of Defense (DOD). Fire engine operators must meet the Chapter 2, Basic Driver/Operator Requirements, of the National Fire Protection Association Standard for Fire Apparatus Driver/Operator Professional Qualification (NFPA 1002), 1998 edition.

In consultation with the Department of Administration's Risk Management Section, the Division requires the private fire department to submit an insurance policy written for a combined single-limit coverage of at least \$5 million, issued by an insurance company licensed to conduct business in Arizona by the Arizona Department of Insurance. The insurance liability levels are reasonable in light of the increased risk to the public when operating these fire engines on public highways in response to an emergency.

In summary, the Private Fire Emergency Vehicle Permit rule is specific to a fire engine and only authorizes the operator of the private fire emergency vehicle to violate the traffic laws specified in A.R.S. § 28-624. Furthermore, the rule specifies that the Private Fire Emergency Vehicle Permit may be issued to a fire fighting organization that provides emergency fire-fighting devices for a private purpose. The rule does not authorize the use of a siren or flashing red and blue lights. A private citizen's personal vehicle cannot be permitted to be an authorized emergency vehicle under R17-4-309.

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable

13. Incorporations by reference and their location in the rules:

Not applicable

14. Was this rule previously made as an emergency rule? If so, please indicate the Register citation:

No

15. The full text of the rules follows:

TITLE 17. TRANSPORTATION

**CHAPTER 4. DEPARTMENT OF TRANSPORTATION
TITLE, REGISTRATION, AND DRIVER LICENSES**

ARTICLE 3. VEHICLE REGISTRATION

Section

R17-4-309. Private Fire Emergency Vehicle Permit

Appendix A. ~~Private Fire Emergency Vehicle Permit~~ Repealed

Notices of Final Rulemaking

ARTICLE 3. VEHICLE REGISTRATION

R17-4-309. Private Fire Emergency Vehicle Permit

~~A.~~ Definitions:

1. ~~"The Applicant" means person, persons, or entity applying for a permit for a private fire emergency vehicle.~~
2. ~~"Department" is defined in accordance with A.R.S. § 28-101(16).~~
3. ~~"Director" is defined in accordance with A.R.S. § 28-101(17).~~
4. ~~"Emergency Vehicle Permit" means a document issued by the Director of the Motor Vehicle Division authorizing the driver of a permitted motor vehicle to exercise the privileges set forth in A.R.S. § 28-624.~~
5. ~~"Fire Engine" means a motor vehicle containing fire-fighting equipment capable of extinguishing fires.~~
6. ~~"Private Fire Department" means a fire-fighting concern which is neither a public service corporation nor a municipal entity but is equipped to provide emergency fire-fighting devices for a private purpose.~~
7. ~~"Private Fire Emergency Vehicle" means a fire engine operated by a Private Fire Department for which an Emergency Vehicle Permit has been issued.~~

~~B.~~ A separate written application shall be made to the Director for each fire engine for which an emergency vehicle permit is requested:

1. ~~The application shall be made to the Department's Transportation Safety Office, Motor Vehicle Division.~~
2. ~~The applicant shall certify that the fire engine shall be operated by a Private Fire Department.~~
3. ~~The applicant shall certify that the driver of the fire engine meets the operator requirements of this rule.~~
4. ~~The applicant shall demonstrate acceptable financial responsibility to protect any liability that may arise from the use of the permit. Acceptable financial responsibility shall be demonstrated by a comprehensive motor vehicle liability insurance policy.~~
 - a. ~~The policy shall be written for a combined single limit coverage of at least \$5 million.~~
 - b. ~~The policy shall be issued by an insurance company licensed to do business in Arizona by the Arizona Department of Insurance.~~
 - c. ~~The policy shall provide that the state of Arizona shall be notified at least 30 days prior to any policy cancellation, nonrenewal, or change in provisions. Additionally, the policy shall provide that the state of Arizona shall be notified if the insurance company becomes insolvent.~~
 - d. ~~The policy, together with all endorsements, shall be provided to the Division at time of initial application.~~
5. ~~No permit shall be issued until the insurance policy is approved by the Director.~~

~~C.~~ Operational Requirements:

1. ~~Private fire emergency vehicles may be operated with the privileges set forth in A.R.S. § 28-624 but shall be subject to all other applicable provisions set forth in A.R.S. Title 28, A.A.C. Title 17, and applicable local laws.~~
2. ~~Private fire emergency vehicles shall only be driven by operators who meet the requirements of Chapter 2, Basic Driver/Operator Requirements, of the National Fire Protection Association Standard for Fire Apparatus Driver/Operator Professional Qualifications (NFPA 1002), 1988 edition which is incorporated by reference herein and on file in the Office of the Secretary of State.~~
3. ~~The emergency vehicle permit shall be carried at all times in the vehicle for which it is issued.~~
4. ~~The emergency vehicle permit shall remain the property of the Division, shall not be transferable, and shall be surrendered to the Division upon revocation or suspension.~~
5. ~~The emergency vehicle permit shall be valid for 12 months and may be renewed upon application.~~

~~D.~~ Denial and Revocation; Appeal

1. ~~The emergency vehicle permit shall be revoked upon a determination by the Director that:~~
 - a. ~~The permitted vehicle or the permittee no longer meets the requirements for the permit, or~~
 - b. ~~The vehicle was operated in violation of the provisions of this rule or any other applicable rule or statute.~~
2. ~~The order of revocation shall be preceded by a notice of intent to revoke. The notice of intent to revoke shall be sent by first-class mail, postage prepaid, to the address of the permittee as shown on the permit application.~~
3. ~~The notice of intent to revoke shall inform the permittee of the right to a hearing and the procedure for requesting a hearing.~~
4. ~~Permittee may request a hearing within 15 days after receipt of notice of intent to revoke by mailing or delivering a written request to: Executive Hearing Office, Motor Vehicle Division, 1801 West Jefferson, Phoenix, Arizona 85007.~~
5. ~~The order of revocation shall become effective 25 days after the mailing date of the notice of intent to revoke unless a timely request for hearing is submitted.~~
6. ~~Hearings, rehearings, and appeals shall be noticed and conducted in accordance with A.R.S. § 41-1061 et seq. and A.A.C. R17-1-502 et seq.~~
7. ~~The permittee shall be allowed to reapply for a permit following revocation.~~
8. ~~If the application for a permit is denied, the denial shall be sent by first-class mail, postage prepaid, to the address of the permittee as shown on the permit application. The notice of denial shall inform the applicant of the right to a hearing and the procedure for requesting a hearing.~~

~~E.~~ Permit Format. The attached permit format, Appendix A, is adopted and prescribed for use.

Notices of Final Rulemaking

- A.** Private Fire Emergency Vehicle Permit. A Private Fire Emergency Vehicle Permit may be issued to a private fire department if all requirements provided under subsections (B) and (C) are met.
1. The Private Fire Emergency Vehicle Permit is valid until revoked or surrendered.
 2. The Private Fire Emergency Vehicle Permit shall be carried at all times in the fire engine for which the permit is issued.
 3. The Private Fire Emergency Vehicle Permit is not transferable.
 4. The Private Fire Emergency Vehicle Permit shall remain the property of the Division and shall be surrendered to the Division when the fire engine is no longer being used to respond to an emergency.
- B.** Private Fire Emergency Vehicle Permit application. A person applying for a Private Fire Emergency Vehicle Permit shall submit the required documentation to the Division's Enforcement Services Program, P.O. Box 2100, Mail Drop 513M, Phoenix, Arizona 85007. The following documentation is required at the time of initial application:
1. Private Fire Emergency Vehicle Permit Application. Multiple fire engines may be listed on one application. The Private Fire Emergency Vehicle Permit Application is furnished by the Division and is available upon request from the Division's Enforcement Services Program; and
 2. Proof of acceptable financial responsibility to cover any liability that may arise from the use of the Private Fire Emergency Vehicle Permit. Acceptable proof of financial responsibility is an insurance policy that:
 - a. Is issued by an insurance company licensed to conduct business in Arizona by the Arizona Department of Insurance;
 - b. Is written for a combined single-limit coverage of at least \$5 million;
 - c. Contains a provision stating that the state of Arizona shall be notified at least 30 days prior to any policy cancellation, nonrenewal, or change in provisions; and
 - d. Contains a provision stating that the state of Arizona shall be notified immediately if the insurance company becomes insolvent.
- C.** Operational requirements.
1. A fire engine may be operated with the privileges prescribed under A.R.S. § 28-624, but shall be subject to all other applicable provisions prescribed under A.R.S. Title 28, A.A.C. Title 17, and any other applicable statutes or ordinances.
 2. A fire engine shall only be driven by an operator who meets the Operator Requirements as defined under R17-4-301.
 3. A fire engine with a Private Fire Emergency Vehicle Permit, shall meet the National Fire Protection Association's (NFPA) fire engine and fire apparatus standards in effect for the manufacture date of the emergency vehicle.
 4. The private fire department is responsible for ensuring that the fire engine is not operated using the privileges prescribed under A.R.S. § 28-624 with an invalid Private Fire Emergency Vehicle Permit.
- D.** Denial. If an application for a Private Fire Emergency Vehicle Permit is denied, a notice of denial shall be sent to the applicant at the address of record. An applicant is allowed to reapply for a permit following denial, provided all requirements listed under this Section are met.
- E.** Revocation. If a Private Fire Emergency Vehicle Permit is revoked, a notice of the revocation shall be sent to the address of the applicant. An applicant is allowed to reapply for a permit following revocation, provided all requirements listed under this Section are met.
1. The emergency vehicle permit is immediately revoked upon a determination that:
 - a. The permitted vehicle or the private fire department no longer meets the requirements for the permit; or
 - b. The vehicle was operated in violation of the provisions of this rule, any other applicable rule, or statute.
 2. The revocation shall be preceded by a notice of intent to revoke.
 - a. The notice of intent to revoke shall be sent by first-class mail to the address of the applicant as shown on the permit application.
 - b. The notice of intent to revoke shall inform the applicant of the right to an administrative hearing and the procedure for requesting a hearing.
 3. The revocation shall become effective 25 days after the mailing date of the notice of intent to revoke unless a timely request for hearing is submitted.
- F.** Administrative hearing. The administrative hearing is held in accordance with the procedures prescribed under 17 A.A.C. 1, Article 5.

Appendix A. ~~Private Fire Emergency Vehicle Permit~~ Repealed

Notices of Final Rulemaking

Arizona Department of Transportation

Permittee: Issue Date _____
Expiration Date _____
Permit Number _____

Name of Company: _____

Location: _____

Mailing Address: _____

Telephone: _____

Description of Vehicle:

Make: _____ Model: _____ Year: _____

VIN: _____ License Plate Number: _____

Certification of Driver Qualification:

_____, the Applicant, certifies that all persons who will drive the permitted vehicle have met or will have met the requirements of Chapter 2, Basic Driver/Operator Requirements, of the National Fire Protection Association Standard for Fire Apparatus Driver/Operator Professional Qualifications (NFPA 1002), 1988 Edition.

(Signature)

Name and Title (Print)

NOTICE OF FINAL RULEMAKING

TITLE 17. TRANSPORTATION

CHAPTER 9. DEPARTMENT OF ADMINISTRATION
SCHOOL BUSES

[R08-160]

PREAMBLE

1. Sections Affected

R17-9-101
R17-9-102
R17-9-103
R17-9-104
R17-9-105
R17-9-106
R17-9-107
R17-9-108
R17-9-110

Rulemaking Action

Amend
Amend
Amend
Amend
Amend
Amend
Amend
Amend
Amend

2. The specific authority for the rulemaking, including both the authorizing statute (general) and the implementing statute (specific):

Authorizing statute: A.R.S. §§ 28-900 and 28-3228

Implementing statute: A.R.S. §§ 28-900 and 28-3228

3. The effective date of the rules:

May 8, 2008

The rules will be effective immediately upon filing with the Secretary of State, under A.R.S. § 41-1032(A). Because the rulemaking is intended to improve the safety of school buses, the Department has requested an immediate effective date for these rules under A.R.S. § 41-1032(A)(1). An immediate effective date is necessary to preserve the health and safety of the public, particularly students, bus drivers, and other passengers of the state's school buses.

4. A list of all previous notices appearing in the Register addressing the final rules:

Notice of Rulemaking Docket Opening: 13 A.A.R. 3767, November 9, 2007

Notice of Proposed Rulemaking: 13 A.A.R. 3989, November 16, 2007

Notices of Final Rulemaking

5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Kathy I. Zatari
Address: 100 N. 15th Ave., Suite 402
Phoenix, AZ 85007
Telephone: (602) 542-1967
Fax: (602) 542-1486
E-mail: Kathy.Zatari@azdoa.gov

6. An explanation of the rules, including the agency's reasons for initiating the rulemaking:

This rulemaking contains numerous changes to Article 1, Minimum Standards. First, in R17-9-101, definitions for Type A, Type B, Type C and Type D school buses are amended to more consistently conform to industry standards. The definition of "Forward control chassis" is repealed, because the amendments to school bus types make that subsection unnecessary. The Code of Federal Regulations incorporation by reference is also updated. Finally, amendments have been made to update numeric references in certain subsections.

R17-9-102 is amended to include additional bases for denial, cancellation or suspension of a school bus driver's certificate. These additional grounds are included to ensure the safety and welfare of students, teachers, school bus drivers or others who may be passengers. The Arizona Department of Public Safety has been faced with a number of incidents involving school bus drivers in recent years that have impacted the safety and welfare of their passengers. The handling of these incidents is not sufficiently addressed in the current rules. The Department believes the additions will permit it to more thoroughly address denial, cancellation or suspension issues in a wider variety of circumstances involving passenger safety. The Code of Federal Regulations incorporations by reference are also updated.

R17-9-103(A)(2)(a) is amended to correct a clerical error, and to provide the correct reference to the written examination questions for instructor qualifications.

R17-9-104 is amended to incorporate school bus driver responsibilities in operating the noise suppression switch while the school bus is stopped at a railroad grade crossing. This addition is made in response to correspondence from the National Transportation Safety Board, indicating that it believes Arizona should more thoroughly set forth procedures to be followed by the school bus driver at railroad crossings. This rule is also amended to more clearly explain the requirements for both passengers and non-passengers to comply with instructions given by the school bus driver and to set forth actions the driver may take should his or her instructions not be followed. This amendment is made in response to requests by several school districts as a result of incidents involving unruly passengers and non-passengers, where the districts' drivers believed their authority was not clearly set forth in existing rule. Further, this rule is amended to address school bus drivers' use of cell phones, Bluetooth devices, and other interactive wireless technology, while the school bus is in operation. This amendment is made in response to concerns raised by school district personnel, citing safety issues caused by driver inattention. Additionally, this rule is amended to require the school bus driver to complete all child alert notification system procedures, if a school bus is equipped with this system. Finally, amendments are being made to update numeric references in certain subsections.

R17-9-105 is amended to clarify provisions regarding belt cutters, special service entrance doors, wheelchair securement systems and passenger restraints, and International Symbol for Accessibility emblems. This rule is also amended to remove the requirement for a second battery on special needs school buses. These amendments are being made in response to safety concerns raised by school district personnel, and for consistency with current industry standards.

R17-9-106 is amended to clarify numerous provisions regarding the school bus chassis, including brake systems, electrical systems, frame components, instruments and instrument panel, and suspension systems. This rule is also amended to permit an optional child alert notification system. These amendments are being made in response to safety concerns raised by school district personnel and school bus manufacturers, and for consistency with current industry standards. Incorporations by reference for both the Code of Federal Regulations and the Society of Automotive Engineers, Inc. citations are also updated. Finally, an amendment is being made to update a numeric reference in a subsection.

R17-9-107 is amended to clarify numerous provisions regarding the school bus body, including auxiliary fans, batteries, belt cutters, circuits, emergency exits, locking devices, fire extinguishers, heating systems, identification signage, lamps, school bus length, seats, stop signal arms, tail pipes and undercoating. This rule is also amended to require a noise suppression switch. Finally, this rule is amended to set forth minimum standards for both air conditioning systems and crossing control arms. These amendments are being made in response to safety and operational concerns raised by school district personnel and school bus manufacturers, and for consistency with current industry standards. Incorporations by reference for the Code of Federal Regulations, the National Fire Protection Association, Inc., and the Society of Automotive Engineers, Inc. citations are also updated. Finally, amendments are being made to update numeric references in certain subsections.

R17-9-108 is amended to clarify numerous provisions regarding the inspection and maintenance of school buses. These provisions include amendments to current out-of-service criteria (including major and minor defects) for the following items: air conditioning system (if installed), back-up alarm (if installed), body fluid cleanup kit, brakes,

Notices of Final Rulemaking

crossing control arm (if installed), emergency warning devices, emergency exits, exhaust systems, heating systems, instruments and instrument panel, interior seats and floor coverings, lamps, mirrors, noise suppression switches, rub rails, seat belts, service doors, special needs school buses, stop signal arms, suspension systems, windshields and windows, and wiring systems. This rule is also amended to provide a minor change to the annual inspection provision, and to the list of items to be inspected by the school bus driver. These inspection items are being amended to include the optional child alert notification switch, optional crossing control arm, optional air conditioning system, and the required noise suppression switch. These amendments are being made in response to safety and operational concerns raised by school district personnel, the Department of Public Safety, and school bus manufacturers; the amendments are also being made to comply with current industry standards. Amendments are also being made to the inspection chart, to update numeric subsection references.

Finally, R17-9-110 is amended to clarify provisions regarding adhesive bandages included in first aid kits. This amendment is being made in response to concerns raised by school district personnel. An amendment is also being made to update a numeric reference in a subsection.

7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and other supporting material:

None

8. A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

9. The summary of the economic, small business, and consumer impact:

Annual cost/revenue changes are designated as minimal when less than \$1,000, moderate when between \$1,000 and \$10,000, and substantial when greater than \$10,000. Cost/revenue changes are described as significant when meaningful or important, but not readily quantifiable.

This rulemaking contains a number of changes for clarity, for conformity with current industry standards, and for safety considerations. The Department expects to incur minimal costs in enforcement of the new rules; however, it also anticipates significant benefits from the new rules, due to their increased clarity, consistency with current industry standards, and concern with safety issues.

Amendments to certain definitions are made to update Code of Federal Regulations (CFR) incorporations by reference, and to conform to current manufacturing industry standards. The CFR updates do not require changes to Department practice under the current rule. Further, amendments to definitions of school bus types reflect current manufacturer specifications. The Department expects these amendments to have no economic impact on school districts.

Amendments to certain subsections of the school bus driver certification rule are being made to update CFR incorporations by reference, and to expand the bases for denial, revocation, or suspension of a school bus driver's certification. The CFR updates do not require changes to Department practice under the current rule. There may be a moderate economic impact on school bus drivers who have their licenses denied, revoked or suspended based on the additional grounds set forth in the proposed rulemaking. In this rulemaking, the Department has included as bases for denial, revocation, or suspension additional provisions regarding moving violations, positive drug testing results, driver conduct that endangers school children and others, and harmful behavior taking place whether or not the school bus driver is operating the school bus. However, the Department believes the amendments effectively respond to safety concerns raised by school district personnel, and that there will be a significant safety benefit to school children and the public.

This rulemaking also corrects a clerical error to a subsection citation for the rule for qualification of instructors. This amendment will not result in an economic impact, either benefit or cost, to the Department, school districts, school bus drivers or passengers, or the public.

The Department has also clarified and expanded the rule setting forth the authority, duties and responsibilities of the school bus driver. This rulemaking adds requirements regarding operation of the noise suppression switch and the optional child alert notification system. The amendments also limit the school bus driver's use of the two-way radio for transportation purposes, and expand the prohibition against use of cell phones to include Bluetooth and other wireless communication devices, whether or not hands-free. Finally, the rulemaking clarifies the school bus driver's authority to seek assistance in response to passengers and non-passengers who fail to comply with the driver's instructions. None of these amendments will result in an economic impact, either benefit or cost, to school districts, school bus companies, manufacturers, school bus drivers or passengers, or the public. The Department may incur minimal expense in educating school district personnel and school bus drivers about the new requirements.

The Department is making several amendments to the rule for special needs school buses, including language clarifying the location of belt cutters, and language clarifying special service entrances. Neither of these items is expected to result in either an economic benefit or cost to school districts, because there are no substantive changes to these two requirements. Further, this rulemaking removes the requirement of a second battery for wheelchair lifts. This amendment is being made to conform to current school bus manufacturing standards. Battery manufacturers may incur a

Notices of Final Rulemaking

minimal to moderate loss of revenue as a result of this change. However, school districts should gain a minimal to moderate economic benefit. The Department is also amending the rule to require a second International Symbol of Accessibility emblem; this requirement should result in a minimal economic benefit to manufacturers and a minimal economic cost to school districts. Finally, the Department is amending the rule to require an “L-track” wheelchair-securement system. Manufacturers may see moderate to substantial economic gains, while school districts may incur moderate to substantial economic costs in installing these systems. Nonetheless, the Department has determined that the “L-track” system is not only the safest system, but also one that accommodates the greatest number of wheelchair types.

This rulemaking also includes a number of amendments to the minimum standards for school bus chassis. First, the Department is including a provision for an optional child alert notification system. Because it is designated as an option rather than a requirement, this provision should have no economic impact on either manufacturers or school districts. Similarly, CFR incorporations by reference updated in this rule should have no economic impact on the Department, school districts, school bus companies, or manufacturers, since they do not change Department practice. However, the Department is including amendments requiring changes to brake systems, alternators, batteries, frames, odometers, and suspension systems provisions. There may be minimal to moderate costs to school districts to comply with these requirements, while manufacturers and installers may see minimal to moderate increases in revenues. However, these requirements are being added so that school bus chassis comply with current manufacturer industry standards, and to ensure the safe operation of the vehicle. Finally, the Department is amending the subsection on transmissions, to correct a clerical error. This amendment should have no economic impact on the Department, school districts, manufacturers, or the public.

This rulemaking further includes amendments to the minimum standards for a school bus body. First, the Department is adding rules regarding air conditioning systems, route signage and crossing control arms. These provisions designate these items as optional, and thus no economic impact should be seen regarding these three options. The Department is also amending language to clarify the requirements for auxiliary fans, batteries, overall school bus length, emergency exits, service doors and undercoating. No substantive requirements are being added to these subsections; there should be no economic impact as a result of these changes. Additionally, the CFR incorporations by reference citations for this rule are being updated; however, these updates do not change the Department’s existing practice, and should result in no economic impact. The Department is amending requirements regarding belt cutters, defrosters, electrical wiring, fire extinguishers, warning devices, heating systems, lamps, seat spacing, stop signal arms and tailpipes, to conform to current manufacturing industry standards, to address new technology, and to address safety concerns raised by school district personnel. These amendments may result in minimal to moderate economic costs to school districts, while manufacturers and installers may see minimal to moderate revenue increases. Finally, the Department is requiring that school buses be equipped with noise suppression switches. While there may be moderate economic costs incurred by school districts for these devices, the Department believes that proper safety procedures to be followed at railroad crossings justify this added expense. There may be a minimal to moderate economic impact, in the form of increased revenues to manufacturers and installers of these devices.

Additionally, the Department is amending a number of provisions regarding inspection and maintenance of school buses. Specifically, this rulemaking adds a number of out-of-service criteria (Major Defects) for optional air conditioning systems and crossing control arms, and also for brake systems, emergency exits, exhaust systems, instrument panels, seats, floor coverings, lamps, mirrors, noise suppression switch, restraining barriers, rub rails, service doors, stop signal arms, windshield wipers and wiring systems. Further, the Department is amending other criteria (Minor Defects), which do not place school buses out-of-service, but that must be repaired within 15 working days. The rulemaking includes amendments for optional air conditioning systems and crossing control arms, back-up alarms, brakes, emergency exits, heating systems, instrument panels, lamps, seats, special needs school buses, and windshields. These amendments may result in minimal to moderate costs to school districts to ensure that their buses remain in service; however, the Department believes safety considerations outweigh the potential economic impact to school districts. The Department is inserting language clarifying the annual inspection it performs on school buses, to conform to its scheduling procedures. This amendment should result in no economic impact to school districts, manufacturers, or the public, since the Department will continue to perform inspections on an annual basis. Finally, the rulemaking clarifies language describing the operations checks to be performed by the school bus driver daily, and also includes the mandatory or optional items added to this rulemaking, such as air conditioning systems, crossing control arms, child alert notification systems, and noise control suppression switches. These amendments should have no economic impact on school district personnel or the public, since they are included as part of the normal, daily inspection procedure.

The final amendment in this rulemaking clarifies the description of items to be included in the rule covering first aid equipment. There is no substantive change in this amendment, and no economic impact should result.

10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

The Department of Administration has made formatting changes to conform to Secretary of State standards, and minor stylistic and grammatical changes at the request of G.R.R.C. staff.

11. A summary of the comments made regarding the rules and the agency response to them:

No comments were received regarding the Notice of Proposed Rulemaking.

Notices of Final Rulemaking

Further, the Department of Administration held an oral proceeding on the Notice of Proposed Rulemaking on December 19, 2007. No one attending this proceeding.

However, both the Department of Administration and the Department of Public Safety worked extensively with the regulated community in formulating the proposed rulemaking, seeking input and suggestions from manufacturer representatives, school district personnel, DPS officers, and other stakeholders, from April 2006 through September 2007.

Additionally, the topic of the proposed amendments was placed on the School Bus Advisory Council agenda, and discussed at its regular meetings on September 8, 2006, March 23, 2007, and August 24, 2007.

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Under A.R.S. § 28-900(A), the Department of Administration is required to consult with the Department of Public Safety and the School Bus Advisory Council established by A.R.S. § 28-3053 when making these rules. This consultation was done, as noted in the preceding section.

13. Any material incorporated by reference and its location in the rules:

U.S. Department of Transportation, Federal Highway Administration, 49 CFR 382, (October 2006), incorporated at R17-9-101 and R17-9-102

U.S. Department of Transportation, Federal Highway Administration, 49 CFR 40, (October 2006), incorporated at R17-9-101 and R17-9-102

Society of Automotive Engineers, Inc., Standard J180 (January 2002), incorporated at R17-9-106

Society of Automotive Engineers, Inc., Standard J377 (March 2001), incorporated at R17-9-106

Society of Automotive Engineers, Inc., Standard J639 (June 2005), incorporated at R17-9-107

Society of Automotive Engineers, Inc., Standard J1133 (November 2004), incorporated at R17-9-107

Society of Automotive Engineers, Inc., Standard J381 (September 2000), incorporated at R17-9-107

Society of Automotive Engineers, Inc., Standard J382 (September 2000), incorporated at R17-9-107

National Fire Protection Association, Inc., NFPA 10 (2006), incorporated at R17-9-107

U.S. Department of Transportation, Federal Highway Administration, 49 CFR 571 (October 2006), incorporated at R17-9-107

Society of Automotive Engineers, Inc., Standard J2233 (June 2002), incorporated at R17-9-107

U.S. Department of Transportation, Federal Highway Administration, 49 CFR 393 (October 2006), incorporated at R17-9-107

14. Were these rules previously made as emergency rules:

No

15. The full text of the rules follows:

TITLE 17. TRANSPORTATION

**CHAPTER 9. DEPARTMENT OF ADMINISTRATION
SCHOOL BUSES**

ARTICLE 1. SCHOOL BUS MINIMUM STANDARDS

Section

- R17-9-101. Definitions
- R17-9-102. Certification of School Bus Drivers
- R17-9-103. Qualification of Classroom and Behind-the-wheel Instructors
- R17-9-104. Minimum Standards for School Bus Operation
- R17-9-105. Special Needs Standards
- R17-9-106. Minimum Standards for School Bus Chassis
- R17-9-107. Minimum Standards for School Bus Body
- R17-9-108. Inspection, Maintenance, and Alterations
- R17-9-110. First-aid Equipment

ARTICLE 1. SCHOOL BUS MINIMUM STANDARDS

R17-9-101. Definitions

In this Chapter, unless otherwise specified:

“Accident” means any unexpected occurrence involving a moving or non-moving school bus that results in any bodily injury or fatality to a passenger or non-passenger, damage to personal or real property outside the school bus, or damage to the school bus that affects the integrity of the school bus or results in a major defect as described in ~~A.A.C. R17-9-108(B)~~.

“Alternately flashing signal lamps” means a system of red or red and amber lamps that are mounted horizontally to both the front and rear of the school bus body and used to inform the public that the school bus is preparing to stop or has stopped to load or unload passengers. Alternately flashing signal lamps can be either a ~~4-lamp~~ four-lamp system as described in ~~A.A.C. R17-9-107(15)(c)(i)~~ R17-9-107(17)(c)(i) or an ~~8-lamp~~ eight-lamp system as described in ~~A.A.C. R17-9-107(15)(c)(ii)~~ R17-9-107(17)(c)(ii).

“Alteration” means any addition, modification, or removal of any equipment or component after a school bus is inspected by the Department, which may affect the operations of the school bus; compliance with the statutes or rules applicable to school buses; or the health, safety, or welfare of any individual.

“Applicant” means an individual who submits an application to the Department to obtain a certificate to operate a school bus.

“ASE” means National Institute of Automotive Service Excellence.

“Auxiliary fan” means a device mounted inside the school bus body used to supplement the heating, defrosting, or air-conditioning systems by circulating air in the school bus.

“Behind-the-wheel instructor” means an individual qualified under ~~A.A.C. R17-9-103~~ to provide behind-the-wheel training to applicants.

“Behind-the-wheel training” means the complete physical control of a school bus by an applicant while accompanied by and under direct observation of a behind-the-wheel instructor.

“Belt cutter” means a hand-held instrument containing a blade used to sever a seat belt or a wheelchair-securement device.

“Certificate” means a written authorization issued by the Department to operate a school bus in Arizona.

“Chassis” means the part of a school bus that consists of all base components, including the frame, front and rear suspension, exhaust system, brakes, engine, engine hood or cover, transmission, front and rear axles, front fenders, drive train and shaft, fuel system, engine air intake and filter, clutch and accelerator pedals, steering wheel, tires, heating and cooling system, battery, and controls and instruments to operate the school bus.

“Chassis cowl” means those parts of a Type C school bus that are located in front of the cowl and attached before a school bus manufacturer adds the school bus body.

“Citation” has the same meaning as at A.R.S. § 28-1872.

“Classroom instructor” means an individual qualified under ~~A.A.C. R17-9-103~~ to provide classroom training to:

Applicants to operate a school bus,

Individuals becoming qualified to teach classroom training,

Individuals becoming qualified to teach techniques of behind-the-wheel training, or

School bus drivers taking refresher training. “Classroom training” means the courses required by the Department of an applicant before the applicant is certified or of an individual seeking qualification as a classroom or behind-the-wheel instructor.

“Commercial driver license” has the same meaning as at A.R.S. § 28-3001.

“Controlled substances and alcohol testing” means a determination of an applicant’s or school bus driver’s use of marijuana, cocaine, phencyclidine, opiates, amphetamines, and alcohol prescribed by 49 CFR 382, October ~~2003~~ 2006 (no later amendments or editions), and conducted in accordance with the procedures at 49 CFR 40, October ~~2003~~ 2006 (no later amendments or editions), both published by the U.S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, D.C. 20402-9328, incorporated by reference, and on file with the Department; and a determination of an applicant’s or school bus driver’s use of marijuana, cocaine, phencyclidine, opiates, amphetamines, barbiturates, benzodiazepines, methadone, and propoxyphene as required by these rules and conducted in accordance with a procedure that is generally accepted in the scientific community to be accurate and reliable.

“Cowl” means the portion of the chassis in a Type C school bus that separates the school bus engine from the school bus driver’s compartment.

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“Cutaway van” means a chassis to which a completed driver’s compartment is attached before a school bus manufacturer adds a school bus body.

“dB(A)” means decibels A scale, a term denoting that noise level has been adjusted to duplicate human hearing.

“Department” means the Arizona Department of Public Safety.

“Driver’s compartment” means the part of a school bus body that is separated from the passenger compartment by a barrier and contains the controls and instruments for the operation of the school bus.

“Emergency-brake system” means mechanical components used to slow or stop a school bus after a failure of the service-brake system.

“Emergency exit” means an opening in a school bus, including a door, push-out window, or roof hatch, used to unload passengers in the event of an occurrence that requires immediate evacuation of the school bus.

“Employer” means a private business or school district that hires applicants and certified school bus drivers to operate school buses.

~~“Forward control chassis” means a chassis to which controls used to operate a school bus, including the brake, clutch and accelerator pedals, emergency brake, and steering wheel, are mounted as far forward on the chassis as possible and are attached before a school bus manufacturer adds a school bus body.~~

“Frame” means the structural foundation upon which a school bus chassis is constructed.

“Frontage road” means a street that parallels an interstate highway and furnishes access to streets and property that would otherwise be unreachable from the interstate highway.

“Gross vehicle weight rating” means the value specified by the manufacturer as the maximum total loaded weight of a school bus, calculated in accordance with ~~A.A.C. R17-9-106(26)~~ R17-9-106(27).

“Health care professional” means:

A physician licensed to practice medicine under A.R.S. § 32-1401 et seq., osteopathy under A.R.S. § 32-1800 et seq., or chiropractic under A.R.S. § 32- 900 et seq.;

A physician licensed to practice medicine, osteopathy, or chiropractic in a state contiguous to Arizona;

A physician employed by the United States government and licensed by a state or territory of the United States;

A physician assistant licensed under A.R.S. § 32-2501 et seq.; or

A registered nurse practitioner licensed under A.R.S. § 32-1601 et seq.

“Highway” has the same meaning as at A.R.S. § 28-101.

“Identification” means the signs, lettering, or numbers placed on the interior or exterior of a school bus body, including the glass areas, but does not include the lettering, numbers, or logos of a manufacturer or distributor of the manufacturer’s product.

“Ignition power-deactivation switch” means a device that when set causes the engine of a motor vehicle to stop operating if the transmission is placed into gear or the parking-brake system is released.

“Interstate highway” means the designation given by the federal government to the system of highways connecting two or more states of the United States.

“Lamp” means a device that is covered by a lens and used to produce artificial light.

“Major defect” means a condition that exists to the interior or exterior of a school bus that causes the Department or owner to place the school bus out of service while the defect is being corrected.

“Manufacturer” means an entity engaged in the manufacturing or assembling of a school bus chassis, school bus body, or school bus chassis and body.

“Medical practitioner” has the same meaning as at A.R.S. § 32-1901.

“Minor defect” means a condition that exists to the interior or exterior of a school bus that is not a major defect and allows the school bus to remain in operation while the defect is being corrected.

“Off-duty” means the time a school bus driver is not on-duty.

“On-duty” means the period between the time a school bus driver begins to work for the employer or is required to be ready to work for the employer until the time the school bus driver is relieved from work and all responsibility for performing work for the employer. The time on-duty is used only to determine when a school bus driver must be provided time off-duty. Time on-duty may be compensated by the employer or an entity other than the employer or may be uncompensated. On-duty includes:

All time at an employer’s place of business, waiting to be dispatched.

All time performing an operations check of a school bus in accordance with ~~A.A.C. R17-9-108~~, or servicing or

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conditioning a school bus;

All time driving a school bus, including loading or unloading the school bus, and remaining in readiness to drive a school bus;

All time, at the direction of the employer, travelling but not driving a school bus or assuming any other responsibility to the employer. If the school bus driver is afforded at least eight consecutive hours off-duty upon arrival at the school bus driver's destination after travelling but not driving a school bus or assuming any other responsibility to the employer, the school bus driver shall be considered off-duty for the entire period travelling but not driving the school bus or assuming any other responsibility to the employer;

All time repairing, obtaining assistance, or remaining in attendance upon a disabled school bus;

All time preparing required reports and records;

All time providing a breath or urine sample, including travel time to and from the collection site, to comply with the testing requirements of this Chapter;

All time performing any other work for the employer; and

All time performing any compensated work for any entity other than the employer.

"Out of service" means a school bus cannot be used to transport passengers.

"Owner" means the public or governmental agency or institution or private company in whose name a school bus is titled.

"Parking-brake system" means mechanical components used to prevent the movement of a school bus while loading or unloading a passenger or when the school bus is parked.

"Passenger" means an individual who rides in a school bus but does not participate in the operation of the school bus.

"Passenger compartment" means that part of the school bus body that is separated from the school bus driver's compartment by a barrier and holds the passengers to be transported.

"Physical examination" means an evaluation of an applicant's or school bus driver's medical status performed by a health care professional according to this Article.

"Physical examination form" means the Arizona Department of Transportation, Motor Vehicle Division, Medical Examination Report, which is used to record the results of a physical examination and may be obtained from the Department or Arizona Department of Transportation, Motor Vehicle Division.

"Physical performance test" means an evaluation of an applicant's or school bus driver's reflexes, agility, and strength performed according to this Article.

"Physical performance test form" means the document used to record the results of a physical performance test and may be obtained from the Department.

"Push-out window" means safety glass enclosed in a frame on a school bus that moves to the outside of the school bus when force is applied to the window from inside the school bus.

"Refresher training" means the courses required by the Department of each school bus driver to maintain certification as a school bus driver in Arizona.

"Restraining barrier" means a structure located in front of any school bus seat that restricts the forward motion of a passenger.

"Rub rail" means a horizontal steel bar attached to the outside of a school bus body used to reinforce the sides of the school bus.

"Safety glass" has the same meaning as at A.R.S. § 28-959(F).

"School" means a school as defined by A.R.S. § 15-101(19), accommodation school as defined by A.R.S. § 15-101(1), charter school as defined by A.R.S. § 15-101(3), or private school as defined by A.R.S. § 15-101(18).

"School bus" has the same meaning as at A.R.S. § 28-101.

"School bus body" means a structure assembled upon a chassis designed to carry a school bus driver and passengers.

"School bus driver" means an individual who is certified by the Department as meeting the requirements at A.R.S. § 28-3228 and ~~A.A.C. R17-9-102~~ to operate a school bus in Arizona.

"School district" has the same meaning as at A.R.S. § 15-101(20).

"Service-brake system" means mechanical components used to slow or stop a school bus.

"Service door" means a metal structure used to close the opening of a service entrance.

"Service entrance" means an opening in a school bus used to load or unload passengers.

"Special needs school bus" means a school bus that is designed to transport disabled passengers, some of whom may

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use a wheelchair, and is constructed with a service entrance and a special-service entrance.

“Special-service entrance” means an opening in a school bus that accommodates a wheelchair lift for the loading or unloading of a passenger who uses a wheelchair.

“Special-service entrance door” means a metal structure used to close the opening of a special-service entrance.

“Street” has the same meaning as at A.R.S. § 28-101.

“Traffic control signal” has the same meaning as at A.R.S. § 28-601.

“Training” means the instruction, courses, classes, or workshops provided by the Department or the employer that are required to obtain or maintain certification as a school bus driver or qualification as a classroom or behind-the-wheel instructor, or qualification to administer the physical performance test in Arizona.

“Transport” or “transporting” means a school bus driver sets a school bus in motion to carry passengers or objects authorized by the school district to be carried in a school bus.

“Type A school bus” means ~~a van converted to a school bus body or a school bus body that is constructed upon a cut-away van, has a left side door for the school bus driver, and is designed to carry more than 10 individuals. Part of the engine is beneath the windshield and beside the driver’s seat and the service door is located behind the front wheels. A Type A school bus, which is sometimes called a Type A-II school bus, has a gross vehicle weight rating of 10,000 pounds or less~~ a conversion bus constructed utilizing a cutaway front section vehicle with a left side driver’s door. This definition includes two classifications: Type A-1, with a Gross Vehicle Weight Rating (GVWR) of 14,500 pounds or less; and Type A-2, with a GVWR greater than 14,500 pounds and less than or equal to 21,500 pounds.

“Type B school bus” means ~~a school bus body that is constructed upon a cutaway van or a forward-control chassis, has a gross vehicle weight rating of more than 10,000 pounds, and is designed to carry more than 10 individuals. Part of the engine is beneath the windshield and beside the driver’s seat and the service door is located behind the front wheels. A Type B school bus is sometimes called a Type A-I school bus constructed utilizing a stripped chassis. The entrance door is behind the front wheels. This definition includes two classifications: Type B-1, with a GVWR of 10,000 pounds or less, and Type B-2, with a GVWR greater than 10,000 pounds.~~

“Type C school bus” ~~also known as a conventional style school bus, means a school bus body that is installed either upon a chassis cowl with the engine located beneath or in front of the windshield and in front of the cowl or upon a forward-control chassis with part of the engine beneath the windshield and beside the driver’s seat. The service door is located behind the front wheels. The school bus has a gross vehicle weight rating of more than 10,000 pounds and is designed to carry more than 10 individuals constructed utilizing a chassis with a hood and front fender assembly. The entrance door is behind the front wheels. A Type C school bus may have a cutaway truck chassis or truck chassis with cab with or without a left side door and with a GVWR greater than 21,500 pounds.~~

“Type D school bus” ~~also known as a rear engine or front engine transit-style school bus, means a school bus body that is installed upon a chassis with the engine mounted in front of the front axle, between the front and rear axles, or behind the rear axle. The school bus driver’s seat and the service door are located in front of the front wheels. The school bus has a gross vehicle weight rating of more than 10,000 pounds and is designed to carry more than 10 individuals constructed utilizing a stripped chassis. The entrance door is ahead of the front wheels.~~

“Van” means a covered or enclosed truck.

“Wheelchair” means a mobility aid consisting of a frame, seat, and three or four wheels, which is used to support and carry a disabled passenger.

“Wheelchair lift” means an electric hydraulic mechanism and platform in a school bus used to raise and lower a passenger in a wheelchair.

“Wheelchair-lift platform” means a horizontal surface upon which a wheelchair sits while being raised or lowered.

“Wheelchair-passenger restraint” means a combination of a pelvic and an upper torso restraint, including buckles and fasteners, designed to secure a passenger in a wheelchair within a school bus.

“Wheelchair-passenger restraint anchorage” means equipment for fastening wheelchair-passenger restraints to the interior of a school bus.

“Wheelchair-securement anchorage” means equipment for fastening a wheelchair-securement device to a school bus floor.

“Wheelchair-securement device” means a strap or webbing, including buckles and fasteners, used for fastening a wheelchair to a wheelchair-securement anchorage.

“Wheelchair-securement system” means components used to fasten a wheelchair to the interior of a school bus, including a wheelchair-securement anchorage and a wheelchair-securement device.

R17-9-102. Certification of School Bus Drivers

A. Certification requirements: An individual shall not operate a school bus in Arizona without being certified by the Depart-

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ment. An applicant for certification shall:

1. Be a minimum of 18 years of age;
2. Submit all of the following to the Department through the employer:
 - a. A completed fingerprint card and fingerprint card processing fee;
 - b. An application signed and dated by the applicant that states the applicant's:
 - i. Name, home address and home phone number;
 - ii. Any alias ever used by the applicant;
 - iii. Social ~~security~~ Security number;
 - iv. Date of birth;
 - v. Arizona commercial driver license number;
 - vi. Date of previous application for certification, if any;
 - vii. Intended employer's name;
 - viii. Convictions for a felony or misdemeanor, if any, in this state or any other state; and
 - ix. Total points accumulated against the applicant's driving record during the two years immediately preceding the date of application using the point system contained in A.A.C. R17-4-404;
 - c. Completed physical examination form, completed physical performance test form, and results of controlled substances testing; and
 - d. A verification made under penalty of perjury that all submitted information is true and complete;
3. Possess a current Arizona commercial driver license under A.R.S. § 28-3101;
4. Possess any Arizona driver license endorsement required under A.R.S. § 28-3103;
5. Meet the driving record requirements listed in this Article; and
6. Complete the training requirements listed in this Article.

B. Physical examination

1. An applicant or school bus driver shall submit to a physical examination that is conducted by a health care professional in accordance with the physical examination form. An applicant or school bus driver is qualified to be certified as a school bus driver only if the health care professional conducts the physical examination in accordance with the physical examination form and concludes that the applicant or school bus driver has no condition that would interfere with the applicant's or school bus driver's ability to:
 - a. Operate a school bus safely,
 - b. Evacuate a school bus during an emergency or during a drill required under R17-9-104(D), and
 - c. Perform the operations checks required under R17-9-108(D).
2. An applicant or school bus driver who is insulin dependent shall obtain the waiver described in A.A.C. R17-5-208.
3. An applicant shall submit the completed physical examination form and, if applicable, a copy of the waiver required under subsection (B)(2), to the Department through the employer.
4. The initial physical examination of an applicant, conducted in accordance with the physical examination form, expires 24 months from the date of the physical examination unless a shorter time is specified by the health care professional who administers the physical examination. A school bus driver shall submit to a physical examination before the expiration date of the previous physical examination and send the completed physical examination form to the Department through the employer before the end of the month in which the previous physical examination expires.
5. If a health care professional determines that further testing of an applicant or school bus driver is needed by an ophthalmologist or optometrist, the health care professional shall refer the applicant or school bus driver to:
 - a. An ophthalmologist licensed under A.R.S. § 32-1401 et seq.,
 - b. An optometrist licensed under A.R.S. § 32-1701 et seq.,
 - c. An ophthalmologist licensed to practice ophthalmology or optometrist licensed to practice optometry by a state contiguous to Arizona, or
 - d. An ophthalmologist licensed to practice ophthalmology or optometrist licensed to practice optometry by any state or territory of the United States and employed by the United States government.
6. In addition to the physical examinations required by this Article, the Department or the employer may require a physical examination of an applicant or school bus driver for an impairment that would affect the ability to perform the activities listed in subsection (B)(1). The Department or employer shall base its decision to require an additional physical examination upon consideration of the appearance or actions of the applicant or school bus driver or of medical information received by the Department regarding the applicant or school bus driver. The applicant or school bus driver shall submit results of a physical examination conducted under this subsection to the Department through the employer within 30 days of the date of the physical examination.

C. Controlled substances and alcohol testing

1. An applicant or school bus driver shall submit to alcohol and controlled substances testing as required by A.R.S. § 28-3228(C)(2) and as prescribed by this Article and 49 CFR 382 (~~2003~~ October 2006 (no later amendments or editions)), ~~which is~~ The testing shall be conducted in accordance with the procedures at 49 CFR 40 (~~2003~~ October 2006)

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(no later amendments or editions), both published at the U. S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, D.C. 20402-9328, incorporated by reference and on file with the Department, except for the changes in 49 CFR 40 and 49 CFR 382 listed in subsections (C)(1)(a) through (C)(1)(i).

- a. 49 CFR 40.3
 - i. "Employee," means an applicant or a school bus driver as defined at ~~A.A.C.~~ R17-9-101.
 - ii. "Employer" has the same meaning as at ~~A.A.C.~~ R17-9-101.
 - b. 49 CFR 382.107
 - i. "Commercial motor vehicle" has the same meaning as at A.R.S. § 28-3001(3).
 - ii. "Driver" means a school bus driver as defined at ~~A.A.C.~~ R17-9-101.
 - iii. "Employer" has the same meaning as at ~~A.A.C.~~ R17-9-101.
 - iv. "Performing a safety-sensitive function" means any time during which a school bus driver is on-duty except when the school bus driver is being compensated by an entity other than the employer.
 - v. "Safety-sensitive function" means any activity for which a school bus driver is on-duty except when the school bus driver is performing an activity for and being compensated by an entity other than the employer.
 - c. 49 CFR 382.207. In both sentences, the word "four" is changed to "eight."
 - d. 49 CFR 382.301(b), (c), and (d): Delete these subsections.
 - e. 49 CFR 382.303(a) and (b): Change the word "occurrence" to "accident," as defined in R17-9-101, and delete the words "operating on a public road in commerce."
 - f. 49 CFR 382.303(a)(1) and (b)(1): Delete the words "if the accident involved the loss of human life;"
 - g. 49 CFR 382.303(a)(2) and (b)(2): Delete the words "if the accident involved:"
 - h. 49 CFR 382.303(a)(2)(i) and (ii) and (b)(2)(i) and (ii): Delete these subsections.
 - i. 49 CFR 382.303 (c): In the table, in the column headed "Test must be performed by employer," change "No" to "Yes."
2. In addition to the testing required by 49 CFR 382, an applicant shall submit to testing for the use of marijuana, cocaine, opiates, amphetamines, phencyclidine, benzodiazepines, barbiturates, methadone, and propoxyphene by a procedure that is generally accepted in the scientific community to be accurate and reliable.
 3. In addition to the testing required by 49 CFR 382, a school bus driver shall submit annually to testing for the use of marijuana, cocaine, opiates, amphetamines, phencyclidine, benzodiazepines, barbiturates, methadone, and propoxyphene by a procedure that is generally accepted in the scientific community to be accurate and reliable.
 4. The employer shall ensure that a school bus driver is tested for use of marijuana, cocaine, opiates, amphetamines, phencyclidine, benzodiazepines, barbiturates, methadone, or propoxyphene or alcohol when required to do so by these rules or when requested by the Department.
 5. The employer shall submit any and all negative results of testing done under subsection (C) to the Department within 30 days of the date of testing or within 12 months of the school bus driver's previous test, whichever is sooner, by providing the Department a copy of the report submitted to the employer by the entity that conducted the testing.
 6. The employer shall immediately notify the Department by telephone of any and all positive results of testing done under subsection (C) and shall submit to the Department within five days a copy of the report submitted to the employer by the entity that conducted the testing.

D. Physical performance test

1. An applicant shall pass a physical performance test that consists of the following eight standards:
 - a. Climbing and descending the steps of a school bus three times in 30 seconds;
 - b. Alternately activating the throttle and the service-brake system of a school bus 10 times in 10 seconds;
 - c. Depressing and holding the clutch, if applicable, and service-brake system of a school bus for three seconds, five consecutive times;
 - d. Opening and closing a manually operated service door three times without stopping. If the school bus has an automatic service door, operate the manual override of the service door;
 - e. Operating at least two hand controls, one on each side of the steering wheel, within eight seconds while maintaining control of a moving school bus;
 - f. Starting in a seat-belted position, exit a school bus from the rear-most floor-level emergency exit within 20 seconds;
 - g. Carrying or dragging a 125-pound object 30 feet in 30 seconds; and
 - h. Lowering a 30-pound object from a floor-level emergency exit to the ground and lifting the same object from the ground to the school bus floor.
2. A school bus driver who is certified on the effective date of this subsection shall pass the physical performance test within one year from the effective date of this subsection.
3. A school bus driver shall pass the physical performance test again no later than 24 months after previously passing the physical performance test.
4. An applicant or school bus driver who fails the physical performance test may take the test again after 24 hours. An applicant or school bus driver may take the physical performance test no more than three times in 90 days. If an appli-

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cant fails the physical performance test on the third attempt, the Department shall not further consider the applicant for certification unless the applicant complies again with the requirements of this Section.

5. The employer shall ensure that a school bus driver who fails the physical performance test does not operate a school bus until the school bus driver passes the physical performance test.
6. If a school bus driver takes and fails the physical performance test three times, the Department shall cancel the school bus driver's certification.
7. An employer shall ensure that the physical performance test is administered by a person who has completed Department-authorized training, using the largest type of school bus that an applicant or school bus driver may be required to operate.
8. A person who administers the physical performance test shall either pass or fail the applicant or school bus driver taking the test, complete the physical performance test form, and submit the completed form to the Department and the employer within seven days of the physical performance test.

E. Driving record-

1. During the 24 months before the date of application or during any 24-month period while certified as a school bus driver, an applicant or school bus driver shall not accumulate eight or more points against a driving record in this state using the point system contained in A.A.C. R17-4-404.
2. During the 10 years before the date of application, an applicant shall not have repeatedly received citations for violation of traffic law.

F. Training requirements of a school bus driver

1. Before being certified by the Department as a school bus driver, an applicant shall complete a minimum of 14 hours of classroom training in the following:
 - a. State and federal traffic laws,
 - b. Behind-the-wheel driving operations,
 - c. School bus driver's responsibilities to passengers and school,
 - d. Inspections and operations checks,
 - e. Records and reports,
 - f. Special needs transportation, and
 - g. Accidents and emergencies.
2. An employer shall ensure that classroom training is taught by a classroom instructor who is qualified under R17-9-103.
3. At least seven days before classroom training, the classroom instructor shall notify the Department in writing of the date, time, and location of classroom training. The classroom instructor shall notify the Department by any means available at least 24 hours before the date, time, or location of classroom training is changed or canceled.
4. After completion of classroom training, the classroom instructor shall administer to the applicant a written examination standardized by the Department.
 - a. The written examination shall consist of a combination of 50 true or false, multiple choice, and fill-in-the-blank questions. The examination questions shall cover the topics listed in subsection (F)(1).
 - b. Each question has a value of two points. To pass the examination an applicant shall receive a score that equals or exceeds 80% of the total possible score.
 - c. If an applicant is unable to read or speak English, the employer shall arrange to have the examination administered orally to the applicant in the language with which the applicant is most familiar.
 - d. If an applicant does not pass the examination on the first attempt, the applicant may take an examination two more times within 12 months of the first attempt. A different examination shall be administered to an applicant who is taking an examination for the second or third time. The period between examinations shall be a minimum of 24 hours. If the applicant fails the examination on the third attempt, the applicant shall be considered further only if the applicant complies again with the requirements in this Section.
5. The classroom instructor shall submit the following information in a written report to the Department and the employer within seven days from the date of the conclusion of a classroom training course:
 - a. Instructor's name,
 - b. Instructor's identification number,
 - c. Date of training,
 - d. Location of training,
 - e. Number of hours of training taught by the classroom instructor,
 - f. Each applicant's name, and
 - g. Each applicant's examination score.
6. In addition to the report required under subsection (F)(5), the classroom instructor shall maintain and submit to the employer within seven days from the conclusion of a classroom training course, a classroom-training course log that includes:
 - a. Instructor's name,

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- b. Instructor's identification number,
 - c. Date of the training course,
 - d. Name of each applicant attending the training course,
 - e. Subject matter taught in each hour, and
 - f. Which hours of training were attended by each applicant.
7. In addition to the classroom training, an applicant shall complete behind-the-wheel training consisting of a minimum of 20 hours operating a school bus in Arizona.
- a. An employer shall ensure that behind-the-wheel training is taught by a behind-the-wheel instructor who is qualified under R17-9-103.
 - b. During behind-the-wheel training, a behind-the-wheel instructor shall be present and observing the applicant while the applicant is operating the school bus.
 - c. The employer shall ensure that no one except the applicant, behind-the-wheel instructor, employer, and Department employees are aboard the school bus while the applicant actually operates the school bus.
 - d. The behind-the-wheel instructor shall maintain and submit to the employer within seven days from the conclusion of the applicant's behind-the-wheel training, a behind-the-wheel training log that includes:
 - i. Instructor's name,
 - ii. Instructor's identification number,
 - iii. Applicant's name,
 - iv. Date of each behind-the-wheel training session, and
 - v. Actual number of hours at each training session that the applicant operates a school bus.
 - e. At the conclusion of behind-the-wheel training, the behind-the-wheel instructor shall use a copy of the Proof of Completion of Behind-the-wheel Training and Driving Test form to administer to the applicant the driving test described on the form. The driving test shall measure the applicant's ability to operate a school bus safely and in a manner consistent with state law. The behind-the-wheel instructor shall either pass or fail the applicant and submit the completed form to the Department and the employer within seven days of the driving test.
- G. First aid and cardiopulmonary resuscitation**
- 1. Before being certified, an applicant shall complete classroom instruction in cardiopulmonary resuscitation and basic first aid. The instruction in cardiopulmonary resuscitation shall include performing cardiopulmonary resuscitation on adults, children, and infants.
 - 2. The instruction shall be conducted by an individual currently certified as an instructor in first aid and cardiopulmonary resuscitation by a program approved by a nationally recognized organization such as the American Heart Association, American Red Cross, National Safety Council, American Safety and Health Institute, or Arizona Bureau of Mines; by an emergency medical technician licensed ~~by~~ in Arizona; or by an agency of the U.S. government.
 - 3. An applicant shall submit to the Department, through the employer, a copy of the front and back of the first-aid card and cardiopulmonary resuscitation card issued to the applicant or other written documentation as proof of completion of the first-aid and cardiopulmonary resuscitation training.
 - 4. A school bus driver shall renew first-aid and cardiopulmonary resuscitation ~~instruction training~~ before expiration of the current training. Renewal instruction shall be provided by an individual described in subsection (G)(2). The school bus driver shall submit to the Department, through the employer, a copy of the front and back of the first-aid card and cardiopulmonary resuscitation card or other written documentation as proof of renewal of training.
- H. The Department shall process an application for certification as a school bus driver under R17-9-109.**
- I. Refresher training**
- 1. A school bus driver shall have refresher training no later than 24 months following completion of the training required by subsection (F). Refresher training shall consist of a minimum of 6 1/2 hours of classroom training in the topics listed in subsection (F)(1).
 - 2. After completing the first refresher training, the school bus driver shall complete a minimum of 6 1/2 hours of classroom training in the topics listed in subsection (F)(1) every 24 months following the last refresher training.
 - 3. An employer shall ensure that refresher training is taught by a classroom instructor who is qualified under R17-9-103.
 - 4. A classroom instructor shall teach refresher training and shall submit the following information in a written report to the Department and the employer within seven days from completion of the refresher training:
 - a. Instructor's name,
 - b. Instructor's identification number,
 - c. Date of training,
 - d. Location of training,
 - e. Number of hours of training taught by the classroom instructor,
 - f. Each school bus driver's name, and
 - g. Each school bus driver's certification number.
 - 5. In addition to the report required under subsection (I)(4), the classroom instructor shall maintain and submit to the employer within seven days from the conclusion of a refresher training course, a refresher-training course log that

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includes:

- a. Instructor's name,
- b. Instructor's identification number,
- c. Date of the refresher training course,
- d. Name and certification number of each school bus driver attending the refresher training course,
- e. Subject matter taught in each hour, and
- f. Which hours of refresher training were attended by each school bus driver.

J. Records

1. The employer shall maintain qualification and training records of an applicant who is certified and of a school bus driver who terminates employment, and qualification records of an applicant who is denied certification, for 24 months from the date of certification, termination of employment, or denial of certification.
2. The employer shall maintain records of testing required under subsection (C) in accordance with 49 CFR 382.401, October 2006 (no later amendments or editions), published at the U. S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, D.C. 20402-9328, incorporated by reference, and on file with the Department. In this subsection, "controlled substances," as used in 49 CFR 382.401, means marijuana, cocaine, opiates, amphetamines, phencyclidine, benzodiazepines, barbiturates, methadone, and propoxyphene.
3. The employer shall transfer the records of a school bus driver to a subsequent employer upon written request by the subsequent employer or school bus driver.
4. Qualification records include:
 - a. Application,
 - b. Driving record,
 - c. Copy of physical examination form, and
 - d. Physical performance test form.
5. Training records include:
 - a. A copy of the classroom-training course log required under subsection (F)(6) that shows the applicant's attendance,
 - b. A copy of the refresher-training course log required under subsection (I)(5) that shows the school bus driver's attendance,
 - c. The classroom training examination score,
 - d. The applicant's behind-the-wheel training log,
 - e. The Proof of Completion of Behind-the-wheel Training and Driving Test form,
 - f. A copy of the first-aid card and cardiopulmonary resuscitation card or other written documentation of completion of first-aid and cardiopulmonary resuscitation training, and
 - g. A copy of the school bus driver certification card issued by the Department.

K. Denial, cancellation, or suspension of certificate

1. Based on an assessment of the totality of the circumstances, the Department may deny a certificate to an applicant or may cancel or suspend a certificate of a school bus driver for:
 - a. Failing to meet or comply with the requirements of this Article;
 - b. Being convicted of or subject to an outstanding warrant for any felony;
 - c. Being convicted of or subject to an outstanding warrant for ~~a~~ any misdemeanor reasonably related to the occupation of a school bus driver including, but not limited to:
 - i. ~~Civil traffic violation (Citation for any moving motor vehicle violation, including but not limited to, violations of A.R.S. § 28-1591 et seq.);~~
 - ii. Driving under the influence (A.R.S. § 28-1381 et seq.);
 - iii. Any sexual offense (A.R.S. § 13-1401 et seq.);
 - iv. Any abuse of a child (A.R.S. § 13-3623); or
 - v. Use, sale, or possession of a controlled substance (A.R.S. § 13-3401 et seq.).
 - d. Demonstrating behavior that endangers the educational welfare or personal safety of students, teachers, or school bus drivers or other co-workers;
 - ~~d-e.~~ Providing false, incomplete, or misleading information to the Department;
 - ~~e-f.~~ Driving or being in actual physical control of a school bus under a circumstance listed in A.R.S. § 28-1381(A); ~~or~~
 - ~~f-g.~~ Under A.R.S. §§ 28-3301 through 28-3322, having a commercial driver license canceled, suspended, revoked, or denied; or
 - h. Having a verified positive result to any controlled substance or alcohol test required by subsections (C)(1), (2), or (3), at any time.
2. Any conviction, violation, warrant, or other misconduct described in this Section shall be considered, whether or not the school bus driver was operating a school bus at the time of the conviction, violation, warrant, or other misconduct.
- 2-3. An applicant who is denied a certificate or a school bus driver whose certificate is canceled or suspended may request a hearing within 30 days from the date of receipt of the notice of the denial, cancellation, or suspension. The hearing

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shall be conducted according to the procedures contained in A.R.S. Title 41, Chapter 6, Article 10.

3-4. The Department shall inform an applicant who is denied a certificate or a school bus driver whose certificate is canceled or suspended of the amount of time that must elapse before the applicant or the school bus driver may reapply for certification. The Department shall include this information in the notice of denial, cancellation, or suspension and the notice of final order, if any, served on the applicant or school bus driver. In determining the amount of time that must elapse before reapplication, the Department shall consider:

- a. The seriousness of the offense leading to denial, cancellation, or suspension;
- b. The frequency with which the offense occurred; and
- c. The amount of time required to correct the offense.

L. If a school bus driver is terminated from or leaves employment, the employer shall provide written notice to the Department within 30 days of the termination or leaving. If a school bus driver transfers employment from one employer to a second employer, within 14 days of the transfer the second employer shall provide written notice to the Department of the:

1. School bus driver's name,
2. School bus driver's certification number,
3. Name of the transferring employer, and
4. Effective date of the transfer.

R17-9-103. Qualification of Classroom and Behind-the-wheel Instructors

A. To be qualified as a classroom instructor, an individual shall:

1. Submit to the Department through the employer, the following two letters:
 - a. A letter from, signed, and dated by the individual that states the individual's:
 - i. Name, home address and home phone number;
 - ii. Social ~~security~~ Security number;
 - iii. Date of birth;
 - iv. Current employer's name, address, and phone number; ~~and~~
 - v. Dates of all previous letters submitted under this subsection; and
 - b. A letter from the current employer recommending that the individual be considered as a classroom instructor; and
2. Pass a written examination standardized by the Department:
 - a. The written examination shall consist of a combination of 50 true or false, multiple choice, and fill-in-the-blank questions. The examination questions shall cover the topics listed in ~~R17-9-102(E)(1)~~ R17-9-102(F)(1).
 - b. Each question has a value of two points. To pass the examination, an individual shall receive a score that equals or exceeds 90% of the total possible score.
 - c. If an individual taking the written examination is unable to read or speak English, the employer shall arrange to have the examination administered orally in the language with which the individual is most familiar.
 - d. If an individual does not pass the examination, the individual may take a second examination that is different from the first examination.
 - e. If an individual fails to pass the second examination, the individual may receive further consideration by submitting again the letters required by subsection (A)(1) and taking the written examination required by this subsection.
 - f. The employer shall submit each individual's examination score to the Department within seven days from the date of the examination.

B. To remain qualified as a classroom instructor, a classroom instructor shall teach a minimum of 12 hours of classroom or refresher training every 24 months from the date the classroom instructor is first recognized by the Department as qualified.

C. To be qualified as a behind-the-wheel instructor, an individual shall:

1. Be certified continuously as a school bus driver in Arizona for the 12 months immediately before submitting the letters described in subsection (C)(2) and be employed as a certified school bus driver at the time of qualification as a behind-the-wheel instructor;
2. Submit to the Department through the employer, the following two letters:
 - a. A letter from, signed, and dated by the individual that states the individual's:
 - i. Name, home address and home phone number;
 - ii. Social ~~security~~ Security number;
 - iii. Commercial driver license number;
 - iv. Current employer's name, address, and phone number; ~~and~~
 - v. Dates of all previous letters submitted under this subsection; and
 - b. A letter from the current employer recommending that the individual be considered as a behind-the-wheel instructor; and
3. Pass a written examination standardized by the Department.

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- a. The written examination shall consist of a combination of 50 true or false, multiple choice, and fill-in-the-blank questions. The examination questions shall cover the topics listed in R17-9-102(F)(1).
 - b. Each question has a value of two points. To pass the examination, an individual shall receive a score that equals or exceeds 80% of the total possible score.
 - c. If an individual is unable to read or speak English, the employer shall arrange to have the examination administered orally in the language with which the individual is most familiar.
 - d. If an individual does not pass the examination, the individual may take a second examination that is different from the first examination.
 - e. If an individual fails to pass the second examination, the individual may receive further consideration by submitting again the letters required by subsection (C)(2) and taking the written examination required by this subsection.
 - f. The employer shall submit each individual's examination score to the Department within seven days from the date of the examination.
- D. To remain qualified as a behind-the-wheel instructor, a behind-the-wheel instructor shall maintain certification as a school bus driver in this state and teach a minimum of 12 hours of behind-the-wheel training every 24 months from the date the behind-the-wheel instructor is first recognized by the Department as qualified.
- E. Records
1. The employer shall maintain the following records for each classroom and behind-the-wheel instructor for 24 months from the date the instructor is first recognized by the Department as qualified.
 - a. Letter submitted under subsection (A)(1)(a) or (C)(2)(a),
 - b. Letter of recommendation submitted under subsection (A)(1)(b) or (C)(2)(b), and
 - c. Examination score.
 2. The Department shall maintain the documents required under R17-9-102(F)(5) and (I)(4) for 24 months.
- F. The Department shall not recognize an individual as qualified to be a classroom or behind-the-wheel instructor if the individual:
1. Fails to meet or comply with the requirements of this Article;
 2. Is convicted of or subject to an outstanding warrant for a felony;
 3. Is convicted of or subject to an outstanding warrant for a misdemeanor reasonably related to the occupation of a school bus driver, including:
 - a. Civil traffic violation (A.R.S. § 28-1591 et seq.);
 - b. Driving under the influence (A.R.S. § 28-1381 et seq.);
 - c. Any sexual offense (A.R.S. § 13-1401 et seq.);
 - d. Any abuse of a child (A.R.S. § 13-3623); or
 - e. Use, sale, or possession of a controlled substance (A.R.S. § 13-3401 et seq.);
 4. Provides false, incomplete, or misleading information to the Department;
 5. Drives or is in actual physical control of a school bus under a circumstance listed in A.R.S. § 28-1381(A); or
 6. Under A.R.S. §§ 28-3301 through 28-3322, has a commercial driver's license canceled, suspended, revoked, or denied.
- G. If a classroom or behind-the-wheel instructor is terminated from or leaves employment, the employer shall provide written notice to the Department within 30 days of the termination or leaving. If a classroom or behind-the-wheel instructor transfers employment from one employer to a second employer, within seven days of the transfer the second employer shall provide written notice to the Department of the:
1. Name of the classroom or behind-the-wheel instructor,
 2. Identification number of the classroom or behind-the-wheel instructor,
 3. Name of the transferring employer, and
 4. Effective date of the transfer.

R17-9-104. Minimum Standards for School Bus Operation

- A. A school bus driver shall perform operations checks of a school bus as required by ~~A.A.C. R17-9-108.~~
- B. Loading or unloading of passengers:
1. As of February 16, 1996, an ~~8-lamp eight-lamp~~ system as described in ~~A.A.C. R17-9-107(15)~~ R17-9-107(17) shall be installed on a school bus before it is introduced into Arizona. When preparing to stop a school bus on a street or highway, the school bus driver shall activate the alternately flashing amber lamps of an ~~8-lamp eight-lamp~~ system or the alternately flashing red lamps of a ~~4-lamp four-lamp~~ system for a minimum distance of 100 feet, in accordance with A.R.S. § 28-930(B). Whenever the school bus is stopped on a street or highway to load or unload passengers, the school bus driver shall deactivate the alternately flashing amber lamps and activate the alternately flashing red lamps of an ~~8-lamp eight-lamp~~ system, and extend the stop arm and open the service door.
 2. When a school bus driver stops the school bus to load or unload passengers, the school bus driver shall set the parking brake and place the transmission in neutral.
 3. The distance between stops for the purpose of loading or unloading passengers shall be no less than 600 feet, unless

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the school determines that more frequent stops are necessary for safety. The school bus driver shall stop the school bus as near the right edge of the traveled portion of the street or highway as possible.

4. A school bus driver shall not load or unload passengers on the traffic side of the bus.
5. When a school bus driver loads or unloads passengers who must cross a street or highway at a location other than an intersection, the passengers shall cross at least 10 feet in front of the front bumper of the school bus. The school bus driver shall not permit passengers who must cross a street or highway to be unloaded from the school bus until all traffic to the front and rear of the school bus is stopped. The school bus driver shall not move the school bus until all passengers have crossed the street or highway.
6. In intersections that use lighted traffic control signals, a school bus driver shall load or unload passengers no closer than 100 feet of the traffic control signal so the passengers may cross with the traffic control signal, either before or after the school bus proceeds.
7. In intersections without lighted traffic control signals, a school bus driver shall load or unload passengers no closer than 50 feet of the intersection so the passengers may cross at the intersection, either before or after the school bus proceeds.
8. A school bus driver shall not stop a school bus on an interstate highway for the purpose of loading or unloading passengers, except that:
 - a. A school bus stop may be established on a frontage road that parallels an interstate highway if no passenger is allowed to cross a divided highway.
 - b. A school bus may stop in a safety rest area as defined by A.R.S. § 28-7901(8) that is part of or adjacent to an interstate highway.
9. A school bus driver shall load or unload passengers on school grounds only in an area designated by the school and marked with a sign as a school bus loading area.
10. During loading or unloading of passengers at a designated school bus loading area at a school, the school shall restrict the loading area to school buses, passengers, and school employees assisting in the loading or unloading of passengers.
11. A school shall allow passengers in a designated school bus loading area only when the passengers are being loaded on or unloaded from a school bus.
12. A school shall designate all school bus loading areas at locations that prevent backing of the school bus.
13. In areas at a school not designated as a school bus loading area, a school bus driver shall not back upon or adjacent to the school grounds unless an individual authorized by the school bus driver directs the backing procedure while standing at the rear of the school bus in a position visible to the school bus driver. This provision does not apply to a school bus garage or school bus storage area where passengers are not allowed.
14. Immediately before a school bus driver engages in backing a school bus, the school bus driver shall sound the horn to warn motorists and pedestrians of the backing procedure. This provision does not apply if the school bus is equipped with an alarm that operates automatically when the school bus is backing.
15. In addition to the requirements for railroad grade crossings contained in A.R.S. § 28-853, a school bus driver shall comply with the following:
 - a. Use hazard warning lights as described in A.R.S. § 28-947(D) within a minimum of 100 feet of a railroad grade crossing to warn motorists of an intended stop.
 - b. Shut off any radio, compact-disc player, and other source of sound within 50 feet of a railroad grade crossing.
 - c. Stop the school bus, with or without passengers aboard, at a railroad grade crossing when traffic at the railroad grade crossing is not directed by a police officer.
 - d. While stopped at a railroad grade crossing at which traffic is not directed by a police officer, activate the noise suppression switch, completely open the service door and the window to the left of the driver and, by hearing and sight, determine that it is safe to cross. Before proceeding, close the service door. De-activate the noise suppression switch after crossing the tracks.
 - e. Do not stop to load or unload passengers within 200 feet of a railroad grade crossing. This provision does not prohibit stops at a railroad station or on a highway that parallels the railroad tracks.
16. When a school bus driver loads a wheelchair passenger on a school bus, the school bus driver shall secure both the wheelchair and the wheelchair passenger using the systems described in R17-9-105(E).
- C. An employer shall not allow or require a school bus driver to drive a school bus nor shall a school bus driver drive a school bus:
 1. For more than 10 hours after having been off-duty for a minimum of eight consecutive hours;
 2. For any period after having been on-duty for 15 hours after having been off-duty for a minimum of eight consecutive hours;
 3. After having been on-duty 60 hours in any seven consecutive days if the employer does not operate school buses for seven consecutive days; or
 4. After having been on-duty 70 hours in any eight consecutive days if the employer operates school buses every day of the week.

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D. Other requirements:

1. A school bus driver shall wear a seat belt whenever the school bus is in motion.
2. While operating a school bus, a school bus driver shall wear closed-toe, closed-heel shoes that will not interfere with driving the school bus safely or performing other duties of the school bus driver.
3. A school bus driver shall comply with all state traffic laws while operating a school bus except that the school bus driver shall not exceed 65 miles per hour or the posted speed limit, whichever is less, when operating the school bus on an interstate highway.
4. ~~Passengers~~ Any person boarding or attempting to board a school bus, whether or not a passenger, shall comply with all instructions given to them by a school bus driver. A If a passenger or a non-passenger who boards or attempts to board a school bus and refuses to comply with the school bus driver's instructions may be surrendered into the custody of a person who is authorized by the school to assume responsibility for the passenger or non-passenger, the school bus driver may seek emergency assistance to remove the passenger or non-passenger from the school bus, or prevent the passenger or non-passenger from boarding.
5. All passengers shall sit with their backs against the seat backs, their legs facing towards the front of the school bus, and all parts of their bodies clear of all aisles whenever the school bus is in motion.
6. A school bus driver shall not transport in a school bus more passengers than the rated capacity stated by the school bus manufacturer.
7. A school bus driver shall close the service doors of a school bus before operating the school bus. The service doors shall remain closed whenever the school bus is in motion.
8. A school bus driver shall not place the transmission in neutral or coast with the clutch disengaged on a downhill grade.
9. The driver of a school bus equipped with a two-speed axle shall not shift the axle while descending any hill posted with grade warning signs.
10. A school bus driver shall ensure that a school bus is not fueled in a closed building, while the school bus engine is running or while passengers are on board.
11. A school bus driver or passenger shall not use tobacco in any form on a school bus.
12. A school bus driver shall not carry on a school bus or consume any beverage containing any alcohol while on-duty with the employer or within eight hours before going on-duty with the employer.
13. A school bus driver shall not eat or drink on a school bus unless the school bus is completely stopped.
14. A school bus driver shall not at any time carry on a school bus or use a controlled substance.
15. A passenger shall not carry on a school bus or consume while being transported in a school bus, any beverage containing any alcohol.
16. A passenger shall not carry on a school bus or consume while being transported in a school bus, any dangerous or narcotic drug, as defined in A.R.S. § 13-3401, unless:
 - a. A medical practitioner authorized by the state to write a prescription for the dangerous or narcotic drug has prescribed the dangerous or narcotic drug for the passenger who is carrying or consuming it;
 - b. The school district governing board establishes written policies and procedures regarding the administration of a dangerous or narcotic drug by a trained district employee to a passenger who is being transported in a school bus; and
 - c. The parent or legal guardian of a passenger to whom a dangerous or narcotic drug is administered while being transported in a school bus provides prior written authorization for the dangerous or narcotic drug to be administered to the passenger by a trained district employee.
17. A school bus driver shall not assume responsibility for transporting any medication, whether prescription or over-the-counter, that belongs to a passenger.
18. A school bus driver shall not transport animals, insects, or reptiles in a school bus with the exception of service animals, as defined at A.R.S. § 11-1024(J), which assist disabled passengers.
19. Except for eyeglasses, a passenger or school bus driver shall not carry or transport glass objects on a school bus.
20. A school bus driver or passenger shall not carry on or transport in a school bus an explosive device, gun, knife, or other weapon as defined by school-district policy.
21. A passenger shall not place any part of the passenger's body out of a school bus window or door except when exiting the school bus.
22. When instruments or equipment related to musical or athletic events are transported on a school bus, the school bus driver shall transport them as follows:
 - a. Instruments or equipment shall not occupy seating space if needed for a passenger,
 - b. Instruments or equipment shall not be placed in the school bus driver's compartment or step-well of the school bus,
 - c. Instruments or equipment shall be under the passenger's control at all times or secured in the school bus, and
 - d. Instruments or equipment shall not block an aisle or emergency exit of the school bus at any time.
23. A passenger who carries onto a school bus an object other than an instrument or equipment related to musical or ath-

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letic events shall control the object at all times or secure the object in the school bus. If the passenger is not able to control or secure the object in the school bus, the passenger shall not carry the object onto the school bus.

24. A school bus driver shall ensure that all objects inside the school bus are under a passenger's control or secured in a manner that prevents the objects from causing physical injury to others or affecting the safe operation of the school bus.
25. A school bus driver shall not drive a school bus with a trailer or other vehicle attached to the school bus.
26. A school bus driver shall stop the school bus and check the wheels and tires for wear, damage, and inflation after every two continuous hours of driving.
27. All school buses shall have and school bus drivers shall use a two-way voice communication system. The two-way voice communication system shall only be used to assist the school bus driver with passenger transportation.
28. Except as provided in subsection (D)(27), a school bus driver shall not wear an audio headset, earphones, or earplugs, or use a cellular telephone use audio headsets, earphones, earplugs, Bluetooth devices, cellular phones, personal digital assistants, or other interactive wireless devices, whether or not hands-free, when the school bus is in motion operation.
29. Except when complying with R17-9-108(D), if a school bus driver leaves the driver's compartment, the school bus driver shall set the parking-brake system, place a standard transmission in either first or reverse gear, place an automatic transmission in park or neutral, and turn off the ignition and remove the ignition key from an ignition that uses a key, or set the ignition power-deactivation switch of an ignition that does not use a key.
30. Each time a school bus driver unloads passengers and it appears that no passengers remain on the school bus, the school bus driver shall inspect the interior of the school bus for passengers remaining and objects left on the school bus. If the school bus is equipped with a child alert notification system as described in R17-9-106(6), the school bus driver shall complete all procedures required by the child alert notification system, in addition to the school bus driver's inspection of the interior of the school bus.
31. At least twice during every school year, a school shall conduct an evacuation drill of a school bus at the school that includes every passenger who rides a school bus and is in school on the day of the evacuation drill. At least 14 days before an evacuation drill, a school shall submit to the Department a written notice stating the date, time, and location of the evacuation drill. Each school bus driver shall participate in a minimum of two evacuation drills during every school year. Evacuation drills shall include:
 - a. Practice and instruction in the location, use, and operation of the emergency exits, fire extinguishers, first aid equipment, windows as a means of escape, and communication systems;
 - b. Practice and instruction in when and how to approach, load, unload, and move away from the school bus a minimum of 100 feet;
 - c. Instructions on how weather-related hazards affect emergency procedures; and
 - d. Instructions on the importance of orderly conduct.
32. A white, flashing, strobe lamp as described in ~~A.A.C. R17-9-107(15)(f)~~ R17-9-107(17)(f) may be used only during conditions that produce low visibility or that are hazardous.
33. An owner shall ensure that no lock, except as provided in ~~R17-9-107(8)(h)~~ R17-9-107(10)(h), is installed on any school bus emergency exit or service door.
34. A school bus driver shall ensure that nothing obstructs or interferes with the use of any school bus emergency exit or service door.
35. A school bus driver, passenger, or school administrator shall immediately report to the employer any violation of these rules or state statutes that the school bus driver, passenger, or school administrator reasonably believes threatens the health, safety, or welfare of a passenger.

E. Reports and recordkeeping:

1. Immediately following any accident involving a school bus, the school bus driver shall report the accident to the employer.
2. Immediately upon receiving notification of any accident involving a school bus, the employer shall notify the Department of the accident by telephone. The employer shall submit written verification of the accident to the Department within 72 hours of the telephone notification.
3. Immediately upon becoming aware of a violation of these rules or state statutes that a reasonable person could conclude caused injury to or threatened the health, safety, or welfare of a passenger, the employer shall notify the Department of the violation by telephone. The employer shall submit a written report of the violation to the Department within 72 hours of the telephone notification.
4. No later than 14 days after an evacuation drill, a school district shall submit to the Department a written report of the evacuation drill identifying the school district, participating school, date, and number of participants.
5. From the date on which a record is created, the employer shall maintain for three years the following written records for each school bus driver:
 - a. On a daily basis, the period of time each school bus driver is on-duty for the employer including the date, each start and quit time, and the total number of hours on-duty for the employer.

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- b. On a daily basis, the total number of hours on-duty for an entity other than the employer during the previous seven days.
6. A school bus driver who performs any compensated work for an entity other than the employer shall provide the employer, in writing, the name and telephone number of the entity and the number of hours the school bus driver works each day for the entity.
7. A school bus driver who receives a citation, whether on-duty or off-duty, shall immediately inform the employer by telephone about the citation and shall submit a copy of the citation to the employer within five days.

R17-9-105. Special Needs Standards

A. General requirements:

1. As of February 16, 1996, before being introduced into Arizona, a school bus used for transporting disabled passengers shall comply with the minimum standards applicable to school buses and the specifications contained in this Section. A school bus used for transporting disabled passengers that was introduced into Arizona before that date shall comply with the minimum standards in these rules, including this Section, or those at A.A.C. R17-4-608.
2. Any school bus that is used for transporting a passenger who uses a wheelchair shall be equipped with a wheelchair lift.
3. A wheelchair lift shall be located on the side of the bus body opposite the school bus driver. The wheelchair lift shall not be attached to the exterior sides of the school bus and shall be confined within the school bus body when not extended.
4. Any school bus that is used for transporting disabled passengers shall be equipped with a belt cutter that is accessible only to the school bus driver. The belt cutter shall be secured in a location within reach of the school bus driver while belted into the driver's seat. The school bus may be equipped with additional belt cutters. Additional belt cutters shall be accessible only to the school bus driver or adult aides or attendants.

B. Special-service entrance:

1. A school bus used for transporting disabled passengers shall have a special-service entrance of a width and depth to accommodate a wheelchair lift. The special-service entrance shall have a minimum clear opening of 30 inches horizontally to allow for the passage of a wheelchair.
2. The special-service entrance shall be located on the side of the bus opposite the school bus driver and far enough to the rear of the school bus to prevent the special-service entrance door from obstructing the service door when the special-service entrance door is open.
3. A drip molding shall be installed above the special-service entrance to divert water from the special-service entrance.
4. The frame surrounding the special-service entrance shall provide support and strength at least equal to at the conventional service and emergency doors.

C. Special-service entrance doors:

1. A school bus used for transporting passengers in wheelchairs shall provide a special-service entrance door not to exceed ~~45~~ 50 inches in width.
2. Two doors ~~shall not may~~ be used for a special-service entrance on a school bus-if the doors are equipped with a positive latching mechanism to prevent accidental opening.
3. The special-service entrance door shall be constructed to open toward the exterior of the school bus. A Type A school bus is exempt from this provision if its special-service entrance door is provided by the school bus chassis manufacturer.
4. The special-service entrance door shall have a fastening device attached to the school bus body to hold the special-service entrance door in an open position.
5. The special-service entrance door shall be weather-sealed by a ~~rubber~~ waterproof cushion affixed to the door or door frame.
6. Door materials, panels, and structural strength of a special-service entrance door shall be equivalent to the standards contained in ~~A.A.C.~~ R17-9-107 for a service door and an emergency door. Color, rub rail extensions, if installed, lettering, and all exterior features shall match adjacent sections of the school bus body.
7. The window in the special-service entrance door shall be made of safety glass, mounted in ~~rubber~~ a waterproof manner that is equal to the mounting of the other windows, and aligned with the side windows of the school bus.
8. A pressure switch shall be installed in the special-service entrance door frame that will actuate a ~~green flashing lamp~~ visible signal located in the school bus driver's compartment when the ignition is in the "on" position to warn the school bus driver when the special-service entrance door is not closed.
9. A ~~pressure~~ switch shall be installed in the special-service entrance door frame so the wheelchair lift will not operate when the special-service entrance door is closed.

D. Wheelchair lift:

1. A wheelchair lift shall be capable of lifting a minimum load of 800 pounds.
2. When the wheelchair-lift platform is raised to the maximum position, it shall be held in position by the wheelchair lift.
3. Controls shall be provided that enable an individual authorized by the school bus driver to activate the wheelchair lift

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from either inside or outside the school bus.

4. The wheelchair lift shall be equipped so it may be manually raised or lowered in the event of a power failure to the wheelchair lift.
5. The wheelchair lift shall contain a safety device to prevent the wheelchair-lift platform from falling.
6. The wheelchair lift shall be constructed so it allows the wheelchair-lift platform to rest completely on the ground.
7. All edges of the wheelchair-lift platform shall be designed to restrain the wheelchair and prevent the feet of an individual in the wheelchair from becoming caught during the raising or lowering process.
8. A barrier shall be attached along the outer non-loading edges of the wheelchair-lift platform that will prevent the wheelchair from rolling off the wheelchair-lift platform when the wheelchair-lift platform is placed in any position other than completely extended on ground level.
9. A self-adjusting, skid-resistant plate shall be installed on the loading edge of the wheelchair-lift platform to reduce the incline from the wheelchair-lift platform to ground level. This plate shall be used as a restraining barrier on the loading edge of the wheelchair-lift platform. The wheelchair-lift platform shall be skid-resistant.
- ~~10. A school bus shall be provided with a battery to be used exclusively to operate the wheelchair lift. The electrical-charging system of the school bus shall charge the battery of the wheelchair lift. The wheelchair lift battery shall not supply power to any other electrical system in the school bus body.~~

~~11-10.~~ A school bus may be provided with a battery to be used exclusively to operate the wheelchair lift. A If a battery is installed for this purpose, an appropriate size circuit breaker or fuse shall be installed between the battery and the wheelchair lift motor. meeting the wheelchair lift manufacturer's specifications shall be installed between the battery and the wheelchair lift motor. The circuit breaker shall be located as close to the power source as possible, but not within the school bus driver's compartment.

~~12-11.~~ The wheelchair lift shall be equipped with an adjustable switch that limits the electrical power to the wheelchair-lift motor and a bypass valve to prevent pressure from building in the hydraulic system when the wheelchair-lift platform reaches the maximum up or down position.

~~13-12.~~ A ramp may be carried on a school bus for use during an occurrence that requires evacuating the school bus. The ramp shall not be stored within the passenger compartment of the school bus.

E. Wheelchair and wheelchair-passenger securement:

1. Each wheelchair in a school bus shall be secured in a forward-facing position. Medical equipment and supplies required to accommodate a disabled passenger shall be secured in a school bus by means of alterations approved by the Department in accordance with ~~A.A.C. R17-9-108(G).~~

2. ~~Each space designated for a wheelchair~~ wheelchair-securement system location in a school bus shall ~~be have~~ a minimum clear floor area of 30 inches in width from the interior school bus wall to the aisle and a minimum of 48 inches in length. A wheelchair shall not be placed in a position that ~~it~~ prevents passage through the special-service entrance.

3. Each wheelchair-securement system shall have four full-length tracks, with an L-track four-point tie-down configuration.

~~3-4.~~ The wheelchair-securement system shall provide a minimum of four wheelchair-securement anchorages attached to the school bus floor with a minimum of two anchorages located at the rear of the space designated for a wheelchair and a minimum of two anchorages located at the front of the space.

~~4-5.~~ The wheelchair-securement system shall provide a minimum of one wheelchair-securement device located in each of the rear anchorages and a minimum of one wheelchair-securement device located in each of the front anchorages.

~~5-6.~~ A wheelchair space shall have a minimum of one wheelchair-passenger shoulder restraint anchorage attached to the interior wall of the school bus and a minimum of two wheelchair-passenger restraint anchorages located at the rear of the space.

~~6-7.~~ Each wheelchair space shall have one wheelchair-passenger restraint. A school bus equipped with a wheelchair-passenger restraint shall have the following information available on the school bus:

a. A telephone number where information may be obtained about installation, repair, and parts; and

b. Instructions regarding use of the restraint, including a diagram showing the proper placement of the wheelchair and positioning of securement devices and occupant restraints, including correct belt angles.

F. Dome light: A dome light shall be placed in the interior ceiling of the school bus to illuminate the wheelchair lift area. The dome light shall be activated by a pressure switch located in the special-service entrance door or by a manually operated switch located in the interior of the school bus no more than one foot from the special-service entrance door. This switch shall be used exclusively for the dome light.

G. Aisles: All aisles leading to an emergency door from any wheelchair space shall be a minimum of 30 inches in width. The emergency door opening shall be a minimum of 30 inches in width.

H. Seating arrangements: All fixed seats in a special-needs school bus shall be forward facing.

I. ~~Emblem~~ Emblems: A school bus used for transporting disabled passengers shall display ~~a two wheelchair emblem~~ International Symbol of Accessibility emblems. One emblem shall be placed below the upper window on the emergency door or below the window on the special-service entrance door, and the second emblem shall be placed below the windshield on the side of the bus or on the bumper opposite the school bus driver. The emblem emblems shall be made of blue, reflect-

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tive material and be a minimum of 6 inches and a maximum of 12 inches in width and height and shall contain a reflective white wheelchair impression with a minimum of 1/8 ~~in.~~ inch reflective white border around the outer edges of the ~~emblem~~ emblems.

J. Types A and B school buses used to transport disabled passengers shall comply with the specifications contained in this Section except:

1. A ramp may be installed in place of a wheelchair lift;
2. If a ramp is used, it shall be of a strength and rigidity to support a wheelchair, passenger, and an individual attending the wheelchair passenger. The ramp shall be equipped with a barrier on each longitudinal side to prevent the wheelchair from leaving the ramp;
3. The floor of the ramp shall be covered with nonskid material; and
4. A ramp shall not be carried in the passenger compartment of a school bus.

R17-9-106. Minimum Standards for School Bus Chassis

As of February 16, 1996, the chassis of a school bus shall meet the requirements of this Section when the school bus is introduced into Arizona. The chassis of a school bus introduced into Arizona before that date shall meet the requirements of this Section or those at A.A.C. R17-4-609.

1. Air cleaner: An engine intake air cleaner shall be installed in the school bus that meets engine specifications defined by the school bus manufacturer.
2. Axles: The front and rear axles and suspension assemblies shall have a gross axle weight rating consistent with that stated by the chassis manufacturer on a notice located in the school bus driver's compartment.
3. Back-up alarm: If installed, an alarm that emits a warning sound when the school bus is backing shall conform to the following:
 - a. The alarm-signaling device shall be of electronic, solid state design and shall emit an audible sound of a minimum of 97 dB(A) measured at 4 ~~ft.~~ feet, 0° access from the source of the sound.
 - b. The alarm-signaling device shall be wired into the backup light circuits and shall emit sound automatically when the gear shift lever is in "reverse" position.
 - c. The alarm-signaling device shall be attached to the school bus chassis or body behind the rear axle.
4. Brakes:
 - a. A school bus with a manufacturer-designed passenger capacity of 60 or less shall be equipped with a service-brake system that uses compressed air, ~~vacuum assist~~, or hydraulic assist.
 - b. A school bus with a manufacturer-designed passenger capacity greater than 60 shall be equipped with a service-brake system that uses compressed air.
 - c. In addition to the service-brake system, a school bus shall be equipped with a parking-brake system to keep the school bus from moving when parked.
 - d. The service brakes in a compressed-air system shall be adjusted using the following criteria:

Type	Outside Diameter of Air Chamber	Brake Adjustment Limit
6	4 1/2 inches	1 1/4 inches
9	5 1/4 inches	1 3/8 inches
12	5 11/16 inches	1 3/8 inches
16	6 3/8 inches	1 3/4 inches
20	6 25/32 inches	1 3/4 inches
24	7 7/32 inches	1 3/4 inches
30	8 3/32 inches	2 inches
36	9 inches	2 1/4 inches

- e. The service brakes in a "long stroke" clamp type brake system shall be adjusted using the following criteria:

Type	Outside Diameter of Air Chamber	Brake Adjustment Limit
<u>12</u>	<u>5 11/16 inches</u>	<u>1 3/4 inches</u>
<u>16</u>	<u>6 3/8 inches</u>	<u>2 inches</u>
<u>20</u>	<u>6 25/32 inches</u>	<u>2 inches</u>
<u>24</u>	<u>7 7/32 inches</u>	<u>2 inches</u>
<u>24*</u>	<u>7 7/32 inches</u>	<u>2 1/2 inches</u>
<u>30</u>	<u>8 3/32 inches</u>	<u>2 1/2 inches</u>

* For 3" maximum stroke type 24 chambers

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- e-f. The service-brake system in a compressed-air system shall contain an emergency-brake system that will activate when the air loss in the service-brake system reaches 20 to ~~45~~ 40 pounds per ~~sq. in.~~ square inch.
- f-g. A school bus using a compressed-air, ~~vacuum-assist~~, or hydraulic-assist service-brake system shall be equipped with a signal located in the school bus driver's compartment that emits a continuous audible or visible warning to the school bus driver when:
- i. The air pressure available in a compressed-air braking system is ~~55~~ 60 pounds per ~~sq. in.~~ square inch or less; ~~or~~
 - ii. ~~The vacuum available for braking in a vacuum-assist system is 8 inches of mercury or less; or~~
 - iii-ii. There is a loss of fluid flow from the main hydraulic pump or loss of electric source powering the back-up system in a hydraulic-assist system.
- g-h. A school bus using a compressed-air ~~or vacuum-assist~~ service-brake system shall be equipped with one or two illuminated gauges located in the school bus driver's compartment that show the pounds per ~~sq. in.~~ square inch of compressed air ~~or the inches of mercury vacuum~~ available for the operation of the brake.
- h. ~~A vacuum-assist brake system shall have a vacuum storage reservoir used exclusively for the brakes to ensure that the loss in vacuum is not more than 30% when the brake pedal is completely depressed while the engine is not running.~~
- i. A compressed-air ~~or vacuum-assist~~ brake system with a dry reservoir shall have a ~~1-way~~ one-way valve that will prevent the loss of compressed air ~~or vacuum~~ between the dry reservoir and the source of ~~vacuum or~~ compressed air.
 - j. A brake system with a wet reservoir shall have a valve located at the bottom of the wet reservoir that operates automatically or can be operated remotely or manually to eject the moisture from the reservoir.
 - k. Compressed-air, ~~vacuum-assist~~, or hydraulic-assist brake lines and booster-assist lines shall be installed in a manner that prevents heat, vibration, and chafing damage.
 - l. The brake systems of Types C and D school buses shall be installed so the chassis components can be visually inspected to detect brake lining wear without removal of any of the chassis components.
5. Front bumper: The front bumper shall be positioned at the forward-most part of the school bus and extend to the outer edges of the school bus.
6. Child alert notification system. A school bus may be equipped with an electronic or mechanical child alert notification system. If a school bus is equipped with a child alert notification system, the device shall be installed in a manner that does not interfere with any other existing operating or electrical component. A child alert notification system in a school bus shall not have an override or bypass capability.
- ~~6-7.~~ Clutch: The clutch torque capacity shall be equal to or greater than the engine torque output.
- ~~7-8.~~ Color: The chassis, including wheels and front bumper, shall be painted black. The hood and fenders shall be painted National School Bus Yellow as described in ~~A.A.C. R17-9-107(5)~~ R17-9-107(6).
- ~~8-9.~~ Cooling system: A school bus shall be equipped with a cooling system that maintains the engine temperature operating range required to prevent damage to the school bus engine.
- ~~9-10.~~ Drive shaft: Each section of the drive shaft to the rear driving axle shall be protected by a metal guard around its circumference to reduce the possibility of the drive shaft penetrating through the school bus floor or dropping to the ground.
- ~~10-11.~~ Electrical system:
- a. Battery:
 - i. The battery shall have a minimum cold-cranking capacity rating equal to the cranking current required by the engine for 30 seconds at 0° F. and a minimum reserve capacity rating of 120 minutes at 25 amperes.
 - ii. The battery shall have a higher capacity than specified in subsection (11)(a)(i) if optional equipment installed on the school bus requires the higher capacity.
 - iii. Because all batteries are to be secured in a sliding tray in the bus body as required by R17-9-107, chassis manufacturers shall mount batteries temporarily on the chassis frame, except that a van conversion or cut-away front-section chassis may be secured in accordance with the manufacturer's standard configuration. However, in all cases the battery cable provided with the chassis shall have sufficient length to allow some slack, and shall be of sufficient gauge to carry the required amperage.
 - b. Alternator:
 - i. ~~A Type A school bus shall have an alternator with a minimum charging rate of 90 amperes per hour. If the school bus is equipped with a wheelchair lift, the alternator shall have a minimum charging rate of 100 amperes per hour.~~
 - ii. ~~A Type B school bus shall have an alternator with a minimum charging rate of 100 amperes per hour.~~
 - iii. ~~Types C and D school buses shall have an alternator with a minimum charging rate of 120 amperes per hour and a minimum charging rate of 30 amperes at engine idle speed.~~
 - i. All alternators shall conform to the recommended practices of Standard J180, January 2002 (no later amendments or editions) published by the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, War-

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- rendale, PA 15096-0001, which is incorporated by reference and on file with the Department.
- ii. All Type A-2 and Type B buses with a GVWR of 15,000 pounds or less shall have an alternator with a minimum of 130 amps.
 - iii. All Type A-2 and Type B buses with a GVWR over 15,000 pounds, and all Type C and D buses shall be equipped with a heavy-duty truck or bus-type alternator meeting Standard J180, which is incorporated by reference in subsection (b)(i), having a minimum output rating of 130 amps, and shall produce a minimum current output of 50% of the rating at engine idle speed. The alternator may be either pad-mounted or hinge-mounted.
 - iv. Buses equipped with an electrically powered wheelchair lift or air conditioning may be equipped with a device that monitors the electrical system voltage and advances the engine idle speed when the voltage drops to, or below, a pre-set level.
 - v. A belt-driven alternator shall be capable of handling the rated capacity of the alternator with no detrimental effect on any other driven components.
 - vi. A direct-drive alternator may be installed instead of a belt-driven alternator.
 - vii. If the school bus is equipped with an air conditioning system, the alternator shall have a minimum charging rate of 160 amperes per hour.
 - ~~iv-viii.~~ The alternator on a school bus shall contain a regulator to control the voltage to the battery.
- c. Wiring:
- i. All wiring shall conform to the ~~current~~, recommended practices of ~~the Society of Automotive Engineers Standard J1292, published October 1981 (and no future later amendments or editions), published by the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096-0001, incorporated by reference and on file with the Department and the Office of the Secretary of State.~~
 - ii. All wiring shall use a standard color or number coding and each chassis shall contain a wiring diagram that details the wiring of the chassis.
 - iii. The chassis shall be equipped with a connection to provide electrical power to the school bus. The connection shall be located on the chassis cowl or on the engine compartment of a school bus designed without a chassis cowl. The connection shall contain terminals for the main 100 ampere body circuit, tail lamps, right-turn signal, left-turn signal, stop lamps, backup lamps, and instrument panel lights. The instrument panel lights shall have a rheostat control.
- ~~14-12.~~ Engine horsepower: The gross vehicle weight rating of a school bus shall not exceed 185 pounds for each engine horsepower as published by the manufacturer on a notice located on the school bus engine.
- ~~14-13.~~ Exhaust system:
- a. The exhaust pipe, muffler, and tailpipe shall be located under the school bus body and attached to the chassis.
 - b. The tailpipe shall be constructed of a corrosion-resistant tubing material at least equal in strength and durability to 16-gauge steel tubing.
 - c. The exhaust system on a gasoline-powered chassis shall be insulated from the fuel tank and fuel tank connections by a shield at any point where the exhaust system is 12 inches or less from the fuel tank or fuel tank connections.
- ~~14-14.~~ Frame:
- a. A school bus frame shall be of a design and strength capable of supporting the gross vehicle weight of the school bus.
 - b. A school bus frame shall not be altered for any purpose.
 - c. Holes in top or bottom flanges of frame rails are not permitted except as provided by the manufacturer. There shall be no welding to the frame rails except by the chassis or body manufacturer or the manufacturer's certified agent.
 - d. The school bus frame shall not be cracked, loose, sagging, or broken.
 - e. Brackets securing the cab or the body of the school bus to the frame shall not be loose, broken, or missing.
 - f. The frame rail flanges shall not be bent, cut, or notched, except as specified by the manufacturer.
 - g. All accessories mounted to the school bus shall be secured as specified by the manufacturer.
 - h. Holes shall not be drilled in the top or bottom rail flanges, except as specified by the manufacturer.
- ~~14-15.~~ Front fenders of a Type C school bus: The outer edges of the front fenders shall be wider than the outer edges of the front tires when the front wheels are in the straight-ahead position.
- ~~14-16.~~ Fuel system:
- a. A school bus shall contain a fuel tank with a minimum 30-gallon capacity, with a minimum dispersion of 25 gallons of fuel to the engine. The fuel tank shall be vented to the outside of the school bus body so fuel spillage will not contact any part of the exhaust system.
 - b. On a Type B, Type C, or Type D school bus, no portion of the fuel system that is located outside of the engine compartment, except the filler tube, shall extend above the top of the chassis frame.
 - c. A fuel filter with replaceable element shall be installed between the fuel tank and engine.
 - d. The fuel line that supplies fuel to the engine shall be located at the top of the fuel tank.

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~~16-17.~~ Horn: A school bus shall be equipped with at least one horn capable of producing a sound level between 82 and 102 dB(A) when tested according to the ~~Society of Automotive Engineers Standard J377, published May 1998~~ March 2001 ~~(and no future later amendments or editions)~~ published by the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096-0001, incorporated by reference and on file with the Department ~~and the Office of the Secretary of State.~~

~~17-18.~~ Instruments and instrument panel:

- a. The chassis shall be equipped with the following instruments:
 - i. Speedometer;
 - ii. Odometer that will give accrued mileage to seven digits, including tenths of miles;
 - iii. Voltmeter or ammeter;
 - iv. Oil pressure gauge;
 - v. Water temperature gauge;
 - vi. Fuel gauge;
 - vii. Upper beam head lamp indicator;
 - viii. Brake system signal as required by ~~A.A.C. R17-9-106(4)(f);~~
 - ix. Turn signal indicator; and
 - x. Air pressure or hydraulic gauge.
- b. The instruments shall be mounted on the instrument panel in the school bus driver's compartment and visible to the school bus driver while seated in the driver's seat.
- c. The instrument panel shall be equipped with a rheostat switch that controls the illumination to the instrument panel and the gear shift selector indicator.

~~18-19.~~ Oil filter: A replaceable element or cartridge-type oil filter shall be provided with a minimum capacity that meets or exceeds the capacity recommended by the manufacturer of the school bus engine.

~~19-20.~~ Openings: All openings in the floorboard and in the fire wall between the chassis and passenger compartment shall be sealed.

~~20-21.~~ Splash guards:

- a. A school bus shall be equipped with rear fender splash guards constructed of flexible rubberized material.
- b. The splash guards shall be wide enough to cover the tire tread width, installed close enough to the tire tread surface to control side-throw of road surface material, and extend to within 8 inches of ground level.

~~21-22.~~ Steering system:

- a. Power steering is required on all school buses manufactured after January 1, 1984.
- b. Bracing extending from the center of the steering wheel to the steering wheel ring shall not be cracked or missing.
- c. The distance of movement of the steering wheel between two points of resistance shall not be greater than the following when measured with the engine running:

Steering Wheel Diameter	Power Steering	Manual Steering
16 inches or less	6 3/4 inches	4 1/2 inches
18 inches	7 1/8 inches	4 3/4 inches
20 inches	7 7/8 inches	5 1/4 inches
22 inches	8 5/8 inches	5 3/4 inches

- d. There shall be clearance of at least 2 inches between the steering wheel and any object in the driver's compartment.
- e. A non-adjustable steering column shall be fastened in a fixed position. An adjustable steering column shall be equipped with a locking mechanism.
- f. The steering gear housing shall not have loose or missing mounting bolts. There shall not be cracks in the gear housing or its mounting brackets.
- g. The connecting arm on the steering gear power source shall not be loose.
- h. The steering wheel shall turn freely in both directions.
- i. The steering system shall have a means for lubrication of all wear-points.

~~22-23.~~ Suspension:

- a. Shock absorbers:
 - i. A school bus shall be equipped with front and rear double-acting shock absorbers. Replacements to shock absorbers shall be made according to the specifications of the manufacturer's part number as stamped on the shock absorber.
 - ii. If a school bus is manufactured with tandem rear axles, rear shock absorbers are not required.
- b. Suspension ~~system~~ springs:
 - i. ~~Rear springs, if used, shall be of progressive type that adapt to variable weights.~~

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- ~~ii. Axles shall be mounted to suspension springs with U-bolts.~~
 - i. Capacity of suspension assemblies shall be commensurate with the chassis manufacturer's gross vehicle weight rating.
 - ii. If leaf-type rear springs are used, they shall be a progressive rate or multi-stage design.
- ~~23-24.~~ Tires and wheels:
 - a. Tires and wheels shall have an accumulated load rating at least equal to the gross vehicle weight rating.
 - b. Dual rear tires shall be provided on all school buses that have a gross vehicle weight rating of more than 10,000 pounds.
 - c. Each tire on a particular axle shall be the same size.
 - d. All tires on a school bus shall be bias or all tires on a school bus shall be radial and shall not differ more than one size between front and rear axles.
 - e. On a Type C or D school bus, a spare tire, if present, shall be in a carrier mounted outside the passenger compartment.
- ~~24-25.~~ Transmission: The school bus transmission shall have no fewer than three forward speeds and one reverse ~~speeds~~ speed.
- ~~25-26.~~ Turning radius:
 - a. A chassis with a wheelbase of 264 inches or less shall have a right and left turning radius of not more than 42 1/2 feet, as measured to the edge of the front tire at the outside of a circle as the school bus moves within the circle.
 - b. A chassis with a wheelbase of more than 264 inches shall have a right and left turning radius of not more than 44 1/2 feet, as measured to the edge of the front tire at the outside of a circle as the school bus moves within the circle.
- ~~26-27.~~ Weight:
 - a. The gross vehicle weight of a school bus shall not exceed the chassis manufacturer's gross vehicle weight rating for the chassis as recorded on a notice located in the school bus driver's compartment.
 - b. To calculate the gross vehicle weight of a school bus, add the chassis weight, the school bus body weight, the school bus driver's weight, and the total seated passenger weight.
 - i. For the purpose of calculation, the school bus driver's weight is 150 pounds.
 - ii. For the purpose of calculation, the passenger weight is 120 pounds per seated passenger.
 - c. The weight distribution of a school bus on a level surface that is fully loaded according to the gross vehicle weight rating shall not exceed the front axle gross weight rating or rear axle gross weight rating as recorded on a notice located in the school bus driver's compartment.

R17-9-107. Minimum Standards for School Bus Body

As of February 16, 1996, the body of a school bus shall meet the requirements of this Section when the school bus is introduced into Arizona. The body of a school bus introduced into Arizona before that date shall meet the requirements of this Section or those at A.A.C. R17-4-610.

- 1. Air conditioning system: The school bus may be installed with an air conditioning system. If installed, the air conditioning system shall:
 - a. Be of a mechanical vapor compression refrigeration type;
 - b. Be manufactured to conform to the requirements of Standard J639, June 2005 (no later amendments or editions) published by the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096-0001, incorporated by reference and on file with the Department;
 - c. Have sufficient power for simultaneous cooling, circulating, and dehumidifying the air;
 - d. Be provided with refrigerant that is nontoxic, nonflammable, and non-explosive;
 - e. Have all power and grounding installed according to the manufacturer's specifications; and
 - f. Have exhaust system exit from the rear of the vehicle, and extend to, but not more than 2 inches beyond the outer edge of the rear bumper.
- ~~1-2.~~ Aisle:
 - a. The center aisle of a school bus shall have a clearance of not less than 12 inches at the bottom of the seat cushion, increasing to 15 inches at the top of the seat backs.
 - b. Aisles to side emergency doors shall have a minimum clearance of 12 inches which may be achieved by using flip-up type seats.
- ~~2-3.~~ Auxiliary fan:
 - a. An auxiliary fan, if installed, shall be placed in a location that does not obstruct the school bus driver's view of any mirror located on the school bus.
 - b. An auxiliary fan, if installed, shall ~~be have a maximum of 6 inches in~~ have a maximum of 6 inches in inch nominal diameter, with the fan blades covered by a protective cage.
 - c. Each installed auxiliary fan shall be controlled by a switch that is independent of any other electrical system.
- ~~3-4.~~ Battery:

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- a. A battery shall be secured to a slide-out or swing-out tray in a vented compartment in the school bus body, so the battery is accessible to the outside for servicing. If the battery compartment has a door that is not removable, the door shall be secured by a fastening device when the door is in ~~an open or a~~ closed position. If the battery compartment has a removable cover, the cover shall be secured by a fastening device when the cover is in place.
- b. The word "Battery" shall be printed in unshaded black letters that are ~~no less than 1 in. and~~ no more than 2 inches in height on the battery-compartment door or cover or immediately above the battery-compartment door or cover.
- c. Buses with a battery located under the engine hood are exempt from these provisions.
- 4.5. Belt cutter: A school bus with passenger seat belts shall be equipped with a belt cutter that is accessible only to the school bus driver having a full width handgrip and a protected, replaceable or non-corrodible blade. The belt cutter shall be mounted in a location accessible to the seated driver, and in an easily detachable manner. The belt cutter shall be accessible only to the school bus driver.

5.6. Color:

- a. A school bus body shall be painted National School Bus Yellow according to the following specifications and tolerances:

Description	Reflectance	Chromaticity	
		X	Y
Centroid	41.5%	.5139	.4434
V + Light Limit	42.9%	.5139	.4427
V – Dark Limit	39.8%	.5133	.4422
H + Green Limit	41.6%	.5123	.4368
H – Red Limit	41.7%	.5168	.4489
C + Vivid Limit	41.5%	.5188	.4457
C – Weak Limit	41.5%	.5095	.4405

- b. The bumpers, lamp hoods, lettering, and rub rails on a school bus body shall be ~~painted~~ black.

7. Crossing control arm:

- a. A school bus may be equipped with a crossing control arm. If installed, all components and all connections of the crossing control arm shall:
 - i. Meet the requirements set forth in Standard J1133, November 2004 (no later amendments or editions) published by the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096-0001, incorporated by reference and on file with the Department;
 - ii. Be mounted on the right side of the front bumper;
 - iii. When opened, extend in a line parallel to the body side and aligned with the right side wheel;
 - iv. Be weatherproofed;
 - v. Incorporate system connectors (electrical, vacuum, or air) at the gate and be easily removable to allow for towing of the school bus;
 - vi. Be constructed of non-corrodible or nonferrous material, or treated in accordance with the school bus body sheet metal specification;
 - vii. Have no sharp edges or projections that could cause injury or be a hazard to students;
 - viii. Be rounded at the end of the crossing control arm;
 - ix. Extend approximately 70 inches (measured from the bumper at the arm assembly attachment point) when in the extended position;
 - x. Not extend past the end of the bumper when in the stowed position;
 - xi. Extend simultaneously with the stop signal arm, activated by the stop signal arm control; and
 - xii. Include a device attached to the bumper near the end of the arm to automatically retain the arm while in the stowed position. The device shall not interfere with the normal operations of the crossing control arm.
- b. An automatic recycling interrupt switch may be installed for temporarily disabling the crossing control arm.

6.8. Defrosters:

- a. Defrosting and defogging equipment shall direct a flow of heated air onto the windshield, the window to the left of the driver, and the glass in the viewing area directly to the right of the driver to eliminate frost, fog, and snow.
- b. The defrosting system shall conform to ~~the Society of Automotive Engineers Standards J381, April 1994 Sep-~~ tember 2000 (and no future later amendments or editions); and J382, June 1994 September 2000 (and no future later amendments or editions), both published by the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096-0001 and incorporated by reference and on file with the Department and the Office of the Secretary of State.
- c. An auxiliary fan shall not ~~to~~ be used in place of a defrosting and defogging system.

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- d. A portable heater shall not be used in place of a defrosting or defogging system.
- 7-9. Electrical wiring:
 - a. All electrical wiring on a school bus shall conform to the standards contained in ~~the Society of Automotive Engineers~~ Standard J1292, October 1981 (and no future later amendments or editions), published by the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096-0001 and incorporated by reference and on file with the Department and the Office of the Secretary of State.
 - b. Electrical wiring that is coded by color shall be coded as follows:
 - i. Left Rear Directional Light; Yellow
 - ii. Right Rear Directional Light; Dark Green
 - iii. Stoplights; Red
 - iv. Back-up Lights; Blue
 - v. Taillights; Brown
 - vi. Ground; White
 - vii. Ignition Feed, Primary Feed; Black
 - c. Circuits: Electrical wiring circuits shall be protected by a fuse, ~~or~~ circuit breaker, or Field Effect Transistor and shall be coded by number or color on an electrical wiring diagram located in the driver's compartment or the electrical access panel door. There shall be at least seven circuits as follows:
 - i. Head, tail, stop, and instrument panel lamps;
 - ii. Clearance and step-well lamps;
 - iii. Dome lamps;
 - iv. Ignition and emergency door signal;
 - v. Turn signal lamps;
 - vi. Alternately flashing signal lamps; and
 - vii. Heaters and defrosters.
 - d. All electrical wires passing through metal openings shall be protected by a non-metal grommet.
 - e. Electrical wires not enclosed within the school bus body shall be fastened at intervals of not more than 18 inches.
- 8-10. Emergency exits: A door, push-out window, or roof hatch used as an emergency exit shall conform to the following:
 - a. On the inside and outside of a school bus, the words "EMERGENCY EXIT" or "EMERGENCY DOOR" shall be printed in black, unshaded letters at least 2 inches high above an emergency door or push-out window and at least 1 ~~in~~ inch high on a roof hatch.
 - b. Each emergency exit shall open toward the exterior of the school bus and shall be labeled within 6 inches of the interior release mechanism with black lettering at least 3/8 of an ~~in~~ inch high instructing how the exit is to be opened.
 - c. On a Type A school bus with double rear doors used as emergency exits, the rear doors shall be secured with upper, center, and lower latches to the door frame.
 - d. The upper portion of each door used as an emergency exit shall be equipped with a window made of safety glass with an area not less than 400 ~~sq~~ square inches. A door located in the rear end of the school bus used as an emergency exit shall also contain a lower window panel of safety glass of not less than 350 square inches. A Type A school bus that contains double rear doors used as emergency exits is exempt from this provision.
 - e. There shall be no steps on the outside of the school bus leading to an emergency exit.
 - f. A header pad filled with a material to protect against injury shall be attached to the top edge of the frame of a door used as an emergency exit. The header pad shall be a minimum of 3 inches wide and 1 ~~in~~ inch thick and extend the full width of the door opening.
 - g. Each emergency exit shall be equipped with a latch that opens from the inside of the school bus and is connected to an electrical buzzer audible in the driver's compartment that actuates when the latch is being released.
 - h. Except for interlock/barrel bolt devices. ~~If~~ if a lock is installed on an emergency exit, the lock shall be secured only by using a key and shall deactivate the ignition system of the school bus when locked.
- 9-11. Emergency equipment:
 - a. All emergency equipment shall be mounted in the driver's compartment or adjacent to either side of the service entrance and shall be readily accessible. If the emergency equipment is mounted within a closed compartment, the compartment shall be clearly labeled as containing the emergency equipment.
 - b. Fire extinguisher:
 - i. A school bus shall be equipped with a minimum of one 5-pound pressurized, dry, chemical fire extinguisher of a type rated not less than 2A-10-BC by the Underwriter's Laboratories, Inc., as described by the National Fire Protection Association, Inc., One Batterymarch Park, Quincy, MA 02269, in NFPA 10: Standard for Portable Fire Extinguishers, published in ~~1998~~ 2006 (and no future later amendments or editions), incorporated by reference and on file with the Department and the Office of the Secretary of State.
 - ii. A pressure gauge shall be mounted on the fire extinguisher to be readable in its mounted position.
 - iii. The operating mechanism of the fire extinguisher shall be sealed with a type of seal that will not interfere

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with the use of the fire extinguisher.

- c. Warning devices: A school bus shall have a minimum of three reflective triangle road-warning devices that comply with the standards at 49 CFR 571.125, October ~~1999~~ 2006 (and no ~~future~~ later amendments or editions), published by the U.S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, D.C. 20402-9328, incorporated by reference and on file with the Department and the Office of the Secretary of State.

~~10-12.~~ Floor:

- a. The floor beneath the seats, including the tops of the wheel housings and the floor in the driver's compartment shall be covered with fire-resistant floor-covering material having a minimum overall thickness of .10 inch.
- b. The aisle floor shall be covered with a fire-resistant ribbed or non-skid floor-covering material with a minimum thickness of .10 inch.
- c. The floor-covering material shall be bonded to the floor with a waterproof adhesive and shall not crack when subjected to changes in air temperature.

~~11-13.~~ Handrail: A handrail at a school bus service entrance shall be secured to the school bus wall in a manner that causes the crevice formed by the distance between the handrail and the wall to pass the inspection procedure described by the National Highway Traffic Safety Administration, Washington, D.C. 20590, in School Bus Safety Assurance Program Recall Listing: January 1991 through June 1996 (and no later amendments or editions), incorporated by reference and on file with the Department and the Office of the Secretary of State.

~~12-14.~~ Heating system:

- a. Heaters shall be of the hot-water type.
- b. The heating system shall be capable of maintaining bus interior temperatures as specified in the procedure set forth in Standard J2233, June 2002 (no later amendments or editions), published by the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096-0001, incorporated by reference and on file with the Department.
- ~~b-c.~~ A minimum of one heater shall be a fresh-air or combination fresh-air and recirculating-air type.
- ~~e-d.~~ If more than one heater is used, additional heaters may be of recirculating-air type.
- d. The heating system shall be capable of maintaining a temperature throughout the bus of not less than 40° F.
- e. Each heater shall bear a name plate that shows the heater rating in accordance with School Bus Manufacturers Institute Standard No. 001, no publication date (and no future amendments or editions), published by the Truck Body and Equipment Association, Inc., 6530 Wisconsin Avenue, Suite 1220, Washington, D.C. 20015 and incorporated by reference and on file with the Department and the Office of the Secretary of State. The name plate with the heater rating constitutes certification that the heater performance is as shown on the plate.
- ~~f-e.~~ All heater hoses shall be secured in all areas of the school bus body and chassis to prevent wear due to vibration. Heater lines in the interior of the bus shall be covered by a protective shield to prevent scalding of the driver or passengers.
- ~~g-f.~~ Except on Type A school buses, the heater system shall include shutoff valves installed at the engine in the water pressure lines and return lines.

~~13-15.~~ Identification:

- a. Only signs, lettering, and objects approved by state law or these rules shall appear on the interior or exterior of a school bus, including all glass areas.
- b. Each school bus owned by a school or a private company shall display either the name of the school and school number, if any, or the name of the private company on each exterior side of the school bus between the rub rails at the center line and seat cushion levels in black unshaded letters that are at least 5 inches in height. Additionally, a school bus owned by a private company that displays the name of the school and school number as described above, may display the company's name on each exterior side of the school bus below the floor line in black unshaded letters that are a maximum of 2 inches in height.
- c. An identification number assigned to a school bus by an owner shall be placed on the front and rear bumpers of the school bus and on each exterior side of the school bus below the floor line rub rail and forward of the center-line of the school bus. The identification number on each bumper shall be National School Bus Yellow. The identification number on each exterior side shall be black. Each identification number shall be a minimum of 5 inches in height.
- d. In addition to an identification number, a school bus may be identified by an emblem placed on the loading side of the front bumper or the exterior wall of the loading side below the floor line rub rail and forward of the center line of the school bus, or both. The emblem shall be painted or decaled on or attached to a magnetic backing.
- e. In addition to an identification number, a school bus may display a route identification sign. If displayed, the route identification sign shall:
 - i. Be installed with a heavy duty Velcro, magnetic, screw-type or similar fixture;
 - ii. Be a minimum of 5 inches in height; and
 - iii. Be located on a flat surface of the bus body, excluding glass.

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~~14-16.~~ Interior: If the ceiling is constructed with overlapping panels, the first panel placed in the ceiling shall be overlapped by the following panel and each panel shall consecutively overlap to the rear end of the school bus. Exposed edges in the interior of the school bus shall be beaded, hemmed, flanged, or rounded to eliminate sharp edges.

~~15-17.~~ Lamps and signals:

- a. All lamps on the exterior of a school bus shall conform to the provisions contained in 49 CFR 393.9 et seq. of the Federal Motor Carrier Safety Regulations, ~~published October 1999, 2006 (and no future later amendments or editions) by published at the~~ U.S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, D.C. 20402-9328, incorporated by reference and on file with the Department ~~and the Office of the Secretary of State.~~
- b. Interior lamps shall be provided that illuminate the center aisle and step well.
- c. Alternately flashing signal lamps:
 - i. When a school bus is equipped with a ~~4-lamp~~ four-lamp system, the system shall consist of two red alternately flashing signal lamps located one on the left and one on the right above the rear windows of the school bus and two red alternately flashing signal lamps located one on the left and one on the right above the windshield.
 - ii. When a school bus is equipped with an ~~8-lamp~~ eight-lamp system, the four red alternately flashing signal lamps shall be installed as described in subsection (14)(c)(i) and the four amber alternately flashing signal lamps shall be installed as follows: one amber alternately flashing signal lamp shall be located adjacent to each red alternately flashing signal lamp, at the same level, but closer to the vertical centerline of the school bus. The system of red and amber alternately flashing signal lamps shall be wired so the amber alternately flashing signal lamps are activated manually and the red alternately flashing signal lamps are activated automatically or manually.
 - ~~iii. The area around the lens of each alternately flashing signal lamp, and extending outward for 3 inches, shall be painted black.~~
 - ~~iv-iii.~~ Except for LED lamps, Each each alternately flashing signal lamp shall be covered by a lamp hood.
- d. Turn signal and stop lamps:
 - i. Except as provided in subsections (17)(d)(iii) and (17)(d)(iv), all school buses shall be equipped with amber side-mounted turn signals. The turn signal lamp on the left side of the bus may be mounted rearward of the stop signal arm and the turn signal lamp on the right side may be mounted rearward of the entrance door.
 - ~~i-ii.~~ Except on Type A school buses, a school bus body shall be equipped with rear turn signal lamps that are at least 7 inches in diameter, or if the lamp shape is other than round, a minimum of 38 square inches of illuminated area. The lens area of the rear turn signal lamps on Type A school buses shall be at least 21 sq. square inches. The rear turn signal lamps shall be connected to the hazard warning switch located in the driver's compartment to allow the school bus driver to activate simultaneous flashing of turn signal lamps when needed as a traffic hazard warning. The rear turn signal lamps shall be located to the far left and right sides of the flat surface of the rear of the school bus body and below the rear window.
 - ~~ii-iii.~~ A Type C school bus shall may have a double-faced turn signal lamp that is visible from the front and rear of the school bus and mounted on the tops or sides of both front fenders or shall may have a turn signal lamp mounted on the left and right sides of the grill and may have a turn signal lamp mounted on each side of the school bus body between the window line and the second rub rail and forward of the vertical centerline.
 - ~~iii-iv.~~ A Type D school bus shall may have a turn signal lamp mounted at the front of the school bus body above each head lamp and may have a turn signal lamp mounted on each side of the school bus body between the window line and second rub rails and forward of the vertical centerline of the school bus.
 - ~~iv-v.~~ A 7 in- inch diameter stop lamp, or if the lamp shape is other than round, a stop lamp with a minimum of 38 square inches of illuminated area shall be located toward the centerline and adjacent to each of the rear turn signal lamps.
- e. Backup lamps: A school bus shall be equipped with two backup lamps with clear lenses, located one on the right and one on the left rear panels below the rear windows.
- f. White flashing strobe lamp: If used on a school bus, a strobe lamp shall have a single clear lens that emits light 360 degrees around its vertical axis and shall be located on the longitudinal centerline of the school bus roof 1/3 to 1/2 of the distance forward from the rear of the school bus body unless this placement restricts the view of the strobe lamp.
 - i. If the view of the strobe lamp is restricted when the strobe lamp is located 1/3 to 1/2 of the distance forward from the rear of the school bus body, the strobe lamp may be mounted immediately to the rear of the roof hatch.
 - ii. The strobe lamp shall be controlled by a manual switch located in the driver's compartment.
 - iii. A pilot lamp shall be located in the driver's compartment to show the school bus driver that the strobe lamp is activated.

~~16-18.~~ Mirrors:

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- a. Interior mirror: The interior mirror shall be made of either laminated glass or glass bonded to a backing that will retain the glass in the event of breakage. The interior mirror in Types B, C, and D school buses shall be a minimum of 6 inches in height and 30 inches in length surrounded by a frame with rounded corners. The interior mirror in Type A buses shall be a minimum of 6 inches in height and 16 inches in length.
- b. Exterior mirrors: A school bus shall comply with the requirements contained in 49 CFR 571.111, as amended October 1999 2006 (and no future later amendments or editions), published at the U. S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, D. C. 20402-9328, incorporated by reference and on file with the Department and the Office of the Secretary of State.
- 19. Noise suppression switch: A school bus shall be equipped with a manual noise suppression switch. Identification shall be provided on or adjacent to the switch, in order to clearly state its purpose and distinguish it from other controls. This switch shall be an on-off type that deactivates body equipment that produces noise, including, at least, the AM-FM radio, heaters, air conditioners, fans, and defrosters. This switch shall not deactivate safety systems, such as windshield wipers or lighting systems.
- ~~17-20.~~ Overall length: The overall length of a school bus shall not exceed ~~40~~ 45 feet ~~excluding mirrors including accessories.~~
- ~~18-21.~~ Overall width: The overall width of a school bus shall not exceed 102 inches excluding mirrors.
- ~~19-22.~~ Rear bumper:
 - a. The rear bumper shall be made of a minimum of 3/16 ~~in.~~ inch thick pressed steel that is a minimum of 8 inches in total height.
 - b. The rear bumper shall be wrapped around the back corners of the bus and shall extend toward the front of the school bus for at least 12 inches as measured from the rear-most point of the school bus body at the floor line.
 - c. The rear bumper shall be attached to the chassis frame and braced to support the rear corners of the bumper.
 - d. The rear bumper shall extend at least 1 ~~in.~~ inch beyond the rear-most part of the school bus body as measured at the floor line.
 - e. The rear bumper shall not be equipped with footholds or handles.
 - f. A Type A school bus equipped with the chassis manufacturer's rear bumper is exempt from subsections ~~(18)(a)~~ (22)(a) through ~~(18)(e)~~ (22)(c).
- ~~20-23.~~ Restraining barrier:
 - a. The restraining barrier shall be a minimum of 38 inches high as measured from the interior floor of the school bus to the top of the restraining barrier.
 - b. The restraining barrier shall be the same width as the seat directly behind the restraining barrier.
- ~~21-24.~~ Rub rails:
 - a. There shall be no fewer than two rub rails located on a school bus as follows:
 - i. One rub rail shall be located on each side of the school bus approximately at seat cushion level and shall extend from the rear post of the service door frame completely around the school bus body, excluding the emergency door, to the front post of the school bus driver's window.
 - ii. One rub rail shall be located on each side of the school bus approximately at the floor line and shall extend from the rear post of the service door frame to the rear corner post of the school bus body and from the front post of the school bus driver's window to the rear corner post on the driver's side.
 - b. Rub rails are not required on emergency doors, special-service entrance door, access panels and compartment doors, and wheel well openings.
 - c. Each rub rail shall be attached on the outside of the school bus body at each structural post in the school bus body.
 - d. Each rub rail shall be a minimum of 4 inches in width and constructed of corrugated or ribbed 16-gauge steel.
- ~~22-25.~~ Seat belt for school bus driver: A seat belt for the school bus driver shall be installed in the driver's compartment. The seat belt shall be equipped with a retractor on each side of the school bus driver's seat to keep the seat belt retracted and off the floor when not in use.
- ~~23-26.~~ Seats:
 - a. Each seat shall have a minimum depth of 15 inches measured from the front of the seat cushion to the seat back.
 - b. Each seat shall be a minimum of 38 inches in height measured from the interior floor of the school bus to the top of the back cushion.
 - c. ~~The distance between seats for the legs of passengers shall be 9" to 14" measured from the center back at seat cushion level of the first seat to the center front of the seat cushion of the seat immediately behind the first seat.~~
 - c. Seat spacing shall meet the requirements of 49 CFR 571.222, October 2006 (no later amendments or editions), published at the U.S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, D. C. 20402-9328, incorporated by reference and on file with the Department. Seat spacing shall not be less than 24 inches between the front of a seat back cushion to the back surface of the cushion on the preceding seat. Seat spacing shall be measured at cushion height, at the center of the seat, on a plane parallel to the center line of the bus. The seat upholstery may be placed against the seat cushion padding, but without compressing the padding.

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before measurement is taken.

- d. The school bus driver's seat shall be adjustable, without the use of tools, both vertically and horizontally for a minimum of 4 inches. Seats with vertical adjustments are not required on Types A and B school buses.

24-27. Service door:

- a. The service door shall be located on the right side of the school bus opposite the school bus driver and within direct view of the school bus driver when seated in the school bus driver's seat. Types A and B school buses are exempt from this provision.
- b. The service door shall have a minimum horizontal opening of 24 inches and a minimum vertical opening of 68 inches. Type A school buses shall have a service door with a minimum opening of 1200 ~~sq.~~ square inches.
- c. Windows in the upper and lower panels of the service door shall be made of safety glass. The bottom of each lower window panel shall be no more than 10 inches from the top surface of the lower step of the service entrance. The top of each upper window panel shall be no more than 6 inches below the top of the service door. Type A buses are exempt from this provision.
- d. To protect passengers' fingers, a flexible rubber material shall be attached by number 10 3/4 ~~in.~~ inch metal screws to the opening and closing edges of the service door. Type A school buses are exempt from this provision.
- e. The service door shall open towards the exterior of the school bus. A Type A school bus is exempt from this provision if the service door is provided by the school bus chassis manufacturer.
- f. A header pad, filled with a material to protect against injury, shall be attached to the top edge of the frame of the service door. The header pad shall be at least 3 inches wide and 1 ~~in.~~ inch thick and extend the full width of the service entrance.
- g. A Type A school bus with the chassis manufacturer's standard service entrance is exempt from subsections (27)(a) through (27)(d).

25-28. Steps:

- a. The risers of the steps in the service entrance shall be equal. When plywood is laid over the steel floor of the school bus, the height of the top step may be increased by the thickness of the plywood.
- b. The first step at the service entrance shall be no less than 10 inches and no more than 16 inches from the ground.
- c. Steps shall be enclosed in the school bus body.
- d. Steps shall not extend beyond the side of the school bus body.
- e. A handrail not less than 10 inches in length shall be provided inside the doorway.
- f. ~~A Type A school bus with the chassis manufacturer's standard service entrance is exempt from subsections (24)(a) through (24)(d).~~

26-29. Step treads:

- a. All steps, including the floor-line platform area, shall be covered with ribbed or non-skid floor-covering material that is mounted on a metal plate.
- b. The metal back of the step tread shall be a minimum 24-gauge cold rolled steel and shall be permanently bonded to the ribbed or non-skid material.
- c. If ribbed material is used, the ribbed design shall run from the risers toward the service entrance. Each step tread shall have a 1 1/2 ~~in.~~ inch white nosing.

27-30. Stirrup steps: There shall be a handle and at least one folding stirrup step or recessed foothold located on each side of the front of a school bus for accessibility for cleaning the windshield and lamps. Type A school buses are exempt from this provision.

28-31. Stop signal arm:

- a. School buses shall be equipped with a A stop signal arm on the left side of the school bus body that extends 90° from the school bus body when opened, shall be installed on the left side of the school bus body.
- b. The stop signal arm shall be either air or electrically driven, and meet the requirements of Standard J1133, November 2004 (no later amendments or editions) published by the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096-0001, incorporated by reference and on file with the Department.
- ~~b-c.~~ The stop signal arm shall be an 18 ~~in.~~ inch octagon, constructed of a red material that reflects light, with the word "STOP" printed on both sides in white letters not less than 5 inches high. Additionally, the word "STOP" may be illuminated by a light-emitting diode system on both sides of the stop signal arm.

29-32. Sun shield: An interior adjustable transparent sun shield or visor not less than 62 inches x 302 inches with a finished edge shall be installed over the windshield in the driver's compartment. School buses with a gross vehicle weight rating of 10,000 pounds or less are exempt from this provision.

30-33. Tailpipe:

- a. ~~If a rear exhaust is installed, the~~ The tailpipe shall extend to, but not more than 2 inches beyond, the outer edge of the rear bumper; If a side exhaust is installed, the tailpipe shall terminate flush with the outside edge of the school bus body in the rear half of the school bus.
- b. The tailpipe shall exit in the rear of the vehicle behind the rear drive axle, and shall be placed according to the

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- manufacturer's specifications; and
- c. The tailpipe shall not exit beneath any fuel filler location or beneath any emergency door.
- ~~34-34.~~ Undercoating:
- a. The entire underside of the school bus body, including floor sections, cross ~~members~~ member and below-floor-line, ~~and~~ side panels, shall be coated with rust-proofing material for which the material manufacturer has issued to the bus body manufacturer notarized certification that materials meet or exceed all performance and qualitative requirements of paragraph 3.4 of ~~according to the specifications contained in~~ Federal Specification TT-C-520B, Coating Compound, Bituminous, Solvent Type, Underbody (For Motor Vehicles), February 2, 1973 ~~(and no future later amendments or editions)~~, published by the General Services Administration acting as an agent for the Superintendent of Documents, Washington D.C. 20402, and incorporated by reference and on file with the Department ~~and the Office of the Secretary of State~~. Modified test procedures shall be used for the following requirements:
- i. Salt spray resistance – test modified to 5% salt and 1,000 hours.
- ii. Abrasion resistance, and
- iii. Fire resistance.
- b. Test panels shall be prepared in accordance with paragraph 4.6.12 of Federal Specification TT-C-520B, with a modified procedure requiring that the test shall be made on a 48-hour air-cured film at a thickness recommended by the material manufacturer.
- ~~b-c.~~ Undercoating is not required ~~on the underside of a fiberglass fender if the underside of the school bus is constructed of noncorrosive material.~~
- d. The undercoating material shall be applied with suitable airless or conventional spray equipment to the recommended film thickness and shall show no evidence of voids in the cured film.
- ~~32-35.~~ Ventilation: An immovable, non-closing exhaust ventilator shall be installed in the school bus roof.
- ~~33-36.~~ Wheel housing:
- a. The wheel-housing opening shall be large enough to allow for the removal of the tire and wheel.
- b. The wheel housing shall be constructed of 16-gauge steel or fiberglass of equal strength and sealed to the school bus floor.
- c. The wheel housing shall not extend more than 12 inches above the floor inside the school bus body and shall not extend into the emergency door opening.
- d. The wheel housing shall provide clearance for tire chains installed on the tires of the driving wheels.
- ~~34-37.~~ Windows: Each side window in the passenger compartment of a school bus body shall provide an unobstructed opening of at least 190 ~~sq.~~ square inches when the window is open.
- ~~35-38.~~ Windshield washer system: A windshield washer system that provides an application of cleaning solution to the windshield shall be installed.
- ~~36-39.~~ Windshield wipers:
- a. A windshield wiping system with a minimum of two speeds shall be provided.
- b. The windshield wipers shall be operated by one or more air or electric motors.

R17-9-108. Inspection, Maintenance, and Alterations

- A. A school bus shall be inspected by the Department before the school bus is introduced into Arizona to transport passengers.
1. After inspecting a school bus, the Department shall place a decal that contains a number used by the Department to identify the school bus above the school bus driver's side window in the driver's compartment. This decal shall not be removed from the school bus while it is operated in Arizona except by the Department. Before the school bus is transferred or retired from service, the school bus owner shall contact the Department to have this decal removed.
2. If the Department finds that no major defect exists on a school bus, the Department shall place a safety inspection decal that contains the month and year of inspection on the right side of the centerline of the windshield of the school bus in a position that does not interfere with the school bus driver's line of vision.
3. If the Department finds a major defect on the school bus, the Department shall place the school bus out of service. Before the school bus may be placed back into service, the Department shall reinspect the school bus to determine that the major defect has been corrected. If the major defect has been corrected, the Department shall place a safety inspection decal on the school bus in accordance with subsection (A)(2).
4. If the Department finds a minor defect on a school bus, the Department shall issue an inspection order, but the school bus may be operated to transport passengers while the minor defect is being corrected. A copy of the inspection order shall be returned to the Department within 15 working days from the date of inspection and shall show that the minor defect has been corrected unless, in accordance with the provisions of subsection (A)(5), the school bus owner obtains an extension of time to correct the minor defect.
5. Upon receipt of a written request from the school bus owner, the Department shall grant one or more extensions of time to correct a minor defect if:
- a. The school bus owner submits to the Department written documentation that the:

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- i. School bus owner's action or inaction did not cause or contribute to the delay in completing the repair;
 - ii. School bus owner has secured a written estimated expedited delivery or completion date from the provider of the materials or services required to complete the repair; and
 - iii. School bus owner made reasonable attempts to secure the materials or services, or materials or services of equivalent quality, at a substantially similar price from alternate sources; and
- b. The Department determines that an extension of time to correct the minor defect will not increase the probability of an accident involving the school bus or passengers or the risk of injury to the school bus driver or passengers.
- 6. Each extension of time shall be for 60 days or less. The Department shall determine the length of each extension of time after giving consideration to the information provided under subsection (A)(5)(a). When the minor defect is corrected, the school bus owner shall return to the Department a copy of the inspection order issued by the Department.
- 7. If a minor defect on a school bus is not corrected within 15 working days or at the end of an extension period, if applicable, the Department shall remove the safety inspection decal and the school bus shall be placed out of service until further inspection by the Department shows that the minor defect is corrected.
- B.** The Department shall use the following criteria to determine whether a major or minor defect is present on a school bus introduced into Arizona on or after February 16, 1996. For a school bus introduced into Arizona before that date, the Department shall determine whether the school bus is in an unsafe condition by using the following criteria or those at A.A.C. R17-4-612. A defect that causes a school bus introduced into Arizona before February 16, 1996 to be in an unsafe condition shall be deemed a major defect as defined in this Article.

INSPECTION ITEM	MAJOR DEFECT	MINOR DEFECT
<u>Air conditioning system, if installed</u>	<u>Missing hose covers or trim panels</u> <u>Missing air conditioning louvres</u> <u>Loose or missing air conditioning mounting fasteners</u> <u>Refrigerant leaks from evaporators or hoses in the interior of the bus</u> <u>Broken compressor brackets</u> <u>Broken mounting bolts</u> <u>Electrical wiring hanging out of evaporator covers</u> <u>Missing evaporator covers</u> <u>Missing air diffusers</u> <u>Evaporators not secured to ceiling or bulkhead</u>	<u>Broken or loose evaporator covers</u> <u>Unsecured refrigerant hoses</u> <u>Loose, missing or severely cracked belts</u>
Alarm, back-up, if installed	Not Working	Low volume Not installed properly <u>Not working</u>
Battery (Types C and D buses only)	Not mounted according to the manufacturer's instructions	Incorrect or no identification
Belt cutter	Missing	
Body fluid cleanup kit	Absence of body fluid cleanup kit Three or more items <u>Any item</u> missing from body fluid cleanup kit	One or two items missing from body fluid cleanup kit

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Brakes, compressed air	Inoperative or missing visual or audible low air signal Compressed-air gauge missing Grease or oil leakage into brake system Exposed or damaged ply on any air hose Air capacity of less than 90 pounds per square inch at idle speed Wet-reservoir valve missing or inoperative Leaking, cracked, or broken hose or connection Audible air leak Pushrod exceeds limitation Low-air warning system does not activate at 55 60 psi and remain <u>remains</u> activated at less than 55 60 psi	
Brakes, vacuum-assisted	Vacuum gauge missing Inoperative or missing visual or audible low vacuum signal Vacuum reservoir missing Vacuum system leak Grease or oil leakage into brake system Leaking, cracked, or broken hose or connection	
Brakes, hydraulic-assisted	Inoperative or missing visual or audible signal	
Brakes, emergency-brake system	<u>Inoperative</u> Does not activate when service brake system reaches 20 to 45 <u>40</u> pounds per sq. in. <u>psi</u>	
Bumpers	Break or rip Loose bumper Foothold or handle present on rear bumper	Not painted black
Cooling system		Leak in system Fluid level in radiator not full
<u>Crossing control arm, if installed</u>	<u>Has sharp edges or projections that could injure a student</u> <u>Will not retract</u>	<u>Not working</u> <u>Fails to open completely</u>
Defroster	<u>Inoperative</u> Ventilation opening blocked	
Drive shaft	Absence of protective metal guard installed by the manufacturer around the drive shaft to any driving axle	
Dust boots	Missing, torn, split, or loose around floor-mounted gear shift, parking brake handle, or steering column	
Emergency warning devices	Missing more than 1 <u>Having fewer than two operable</u>	Missing + one <u>one</u>
Emergency door	Inoperative latch Broken or missing portion of seal around door Window not of safety glass Inoperative warning device Lock is not the ignition shut-off type	No header pad

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Emergency exit	Inoperative warning device or latch <u>on all emergency exits except roof exit</u> Not properly identified Header pad missing or damaged Broken seal around window	<u>Inoperative roof exit</u>
Engine compartment	Inoperative hood latch	Deterioration of hose, belt, or wiring Deterioration of battery hold-down clamp, corrosive acid build-up on terminal
Exhaust system	Tailpipe terminates beneath the passenger compartment Exhaust leak <u>Exhaust tailpipe extends more than 2 inches beyond the outer edge of the rear bumper or fails to terminate flush with the outside edge of the school bus body in the rear of the school bus</u>	Exhaust tailpipe extends more than 2 inches beyond the outer edge of the rear bumper or fails to terminate flush with the outside edge of the school bus body in the rear half of the school bus Exhaust pipe bracket not attached to the chassis and the tailpipe End of tailpipe pinched or bent
Exterior paint		Exposed metal or base primer Incorrect color
Fire extinguisher	Absence of fire extinguisher Not at full charge	Not mounted in required position
First-aid kit	Absence of first-aid kit Three or more items missing from first-aid kit	One or two items missing from first-aid kit
Frame	Crack in frame Cracked, loose, or missing body mount or body-mount bolt Welded repair not performed by body or chassis manufacturer or manufacturer's certified agent	
Fuel system	Fuel tank not mounted to the chassis frame or not vented to outside of engine compartment Fuel system extends above chassis frame (does not apply to filler tube or Type A bus) Fuel tank bracket cracked or broken Leaking tank or fuel line Fuel line attached to bottom of fuel tank <u>Missing or improper fuel cap</u>	
Handrail	Handrail does not pass the inspection procedure described in R17-9-107(11) <u>R17-9-107(13)</u>	
Heating System	Heater missing or inoperative Inadequate heat producing capacity Heater line in interior of school bus not covered by protective shield Heater nameplate missing No shutoff valve	Unsecured heater hose <u>Inadequate heat-producing capacity</u>
Horn (Air or electrical)	Missing or inoperative	

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Instrument panel	Missing or inoperative ignition power-deactivation switch if the ignition does not use a key. Any inoperative gauge or switch, except auxiliary fan switch Improper illumination	Inoperative gauge or switch Inoperative auxiliary fan switch
Interior, aisles	Incorrect clearance	
Interior seats	Broken, cracked, <u>exposed</u> , or loose seat frame Screw or mounting bolt missing	
Interior, floor covering	Hole Improper material Improperly bonded Loose metal trim	Improper material Improperly bonded
Lamps, clearance	Inoperative Cracked, broken, or missing lens	Incorrect color Dust behind lens
Lamps, head	Low beam inoperative Not mounted as required by 49 CFR 393.24 <u>Both high beams inoperative</u>	One High high beam inoperative Inoperative dimmer switch on a bus not operated when head lamps are required Cracked, broken, or missing lens
Lamps, back-up	<u>Inoperative</u>	Inoperative Incorrect color Cracked, broken, or missing lens Dust behind lens
Lamps, interior Over aisle		Inoperative Cracked, broken, or missing lens
<u>Lamps, interior Over step-well</u>	Inoperative	Cracked, broken, or missing lens
Lamps, turn signal	Inoperative	Cracked, broken, or missing lens Dust behind lens Incorrect size Incorrect location
Lamps, strobe, if installed	Pilot <u>or strobe</u> lamp missing or inoperative Cracked, broken, or missing lens Incorrect color Incorrect location	Inoperative Cracked, broken, or missing lens Incorrect color Incorrect location
Lamps, identification		Inoperative Incorrect color Cracked, broken, or missing lens Dust behind lens
Lamps, hazard	Inoperative	
Lamps, stop	Both inoperative	One inoperative Cracked, broken, or missing lens Dust behind lens
Lamps, tail	Both inoperative	One inoperative Cracked, broken, or missing lens
Lamps, side marker		Inoperative Incorrect color Cracked, broken, or missing lens Dust behind lens

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Lamps, alternately flashing signal	One or more inoperative lamps	Incorrect color Lamp hood missing Cracked, broken, or missing lens Dust behind lens
Lettering and numbering		Missing any lettering or numbering Incorrect size, color, or location Unauthorized sign, letter, or subject
Mirrors, cross-view	Missing Broken or loose mounting Broken or clouded glass	
Mirrors	Interior or exterior mirror missing Loose or broken mounting bracket Crack, break, or flaking of reflective material affixed to back of mirror glass Crack or break of mirror glass Loose or missing mounting bracket bolt or screw <u>Incorrect size</u> <u>Do not meet safety standards contained in 49 CFR 571.111</u>	Incorrect size
Miscellaneous	Object not secured inside the school bus Any item noted by the Department that could cause injury or present a danger to a passenger or school bus driver	Any item noted by the Department that needs to be repaired because it could interfere with the safe operation of the school bus but that is not a major defect
<u>Noise suppression switch</u>	<u>Out of service</u> <u>Malfunctioning</u>	
Parking brake	Inoperative, missing part, or not in proper adjustment	
Restraining barrier	Missing Incorrect size <u>Loose</u>	
Rub rails	Missing more than <u>4 one</u> <u>Loose or dangling</u>	Missing <u>4 one</u> Incorrect location Incorrect color Incorrect width
School bus body	Damage resulting in cut or rip to the exterior of school bus body Hole that would allow exhaust gases or dust to enter the passenger compartment Bolt attaching body to chassis loose, broken, or missing Exceeds length or width limitations	Absence of undercoating Loose or missing rivet, screw, or bolt
Seatbelt	Absence of driver seat belt or inoperative driver seat belt buckle or retraction system <u>Frayed seat belt material</u>	Frayed seat belt material
Seats	<u>4 One</u> or more missing Incorrect size or location Driver seat does not meet requirements for adjustment <u>Loose seat cushions</u> <u>Exposed frame</u>	<u>Torn seat cushions</u>

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Service door	Incomplete closing of door assembly Does not contain safeguards to prevent accidental opening Window not made of safety glass Broken or cracked window panel Inoperative door control Does not open towards exterior of the school bus <u>Scissors or butterfly door prohibited</u> <u>Absence of flexible material on outer edge of service door</u> <u>Absence of header pad</u>	Absence of flexible material on outer edge of service door Absence of header pad
Special needs <u>School bus</u>	Incorrect location or size of special-service entrance Incorrect size of special-service entrance door Window not made of safety glass Inoperative pressure switch No safety device in wheelchair lift No restraining barrier on wheelchair-lift platform Fails to provide wheelchair-securement device or anchorage Special-service entrance door does not open towards exterior of school bus (except Type A school bus) Dome light missing or inoperative	Drip molding not installed above the special-service entrance Special-service entrance door not weather-sealed Incorrect color of door material or panel Lacks wheelchair emblem Missing fastening device for special-service entrance door <u>Dome light missing or inoperative</u>
Splash guards		Bottom edge of guard is more than 8 inches above the ground Does not cover entire width of single or dual tire Missing splash guard
Steering	Distance of movement not within parameters of R-17-9-106(21)(e) <u>R17-9-106(22)(c)</u> Steering wheel does not move freely when turning the wheel Missing or cracked steering-wheel ring or bracing from center of steering wheel to steering-wheel ring Steering column not in a fixed position or locking mechanism missing or inoperative on adjustable steering column Steering column mounting bracket cracked or missing Loose or missing mounting bolt in steering gear housing Loose connecting arm on steering gear power source	Leakage of lubricant Power-steering belt cracked, frayed, or slipping Fluid does not fill power steering reservoir to the full level on the dipstick
Steps	Loose or missing grab handle in step-well Missing stirrup step or handle	Incorrect distance between steps Incorrect floor covering
Stop signal arm	Inoperative <u>Any stop arm inoperative</u> Air leak If equipped with a light-emitting diode system, 4 <u>one</u> or more lights missing Missing <u>any</u> stop arm	Incorrect lettering or color on stop signal arm Incorrect size of stop signal arm

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Sun shield or visor (if required)	Broken, cracked, or missing	Not transparent
Suspension	Broken, damaged, or missing suspension part U-bolt loose, broken, cracked, or missing	Leaking shock absorber Crack or break in shock absorber mounting bracket
Tires	Tires on same axle not of the same size Combination of bias and radial tires Tires vary more than one size between axles Tires not correct size for gross vehicle weight rating of school bus Single rear tire on school bus with gross vehicle weight rating of more than 10,000 pounds Regrooved, recapped, or retreaded tire mounted on a front wheel Tread groove depth less than 4/32 of an inch, measured in a tread groove on a tire on a front wheel Tire is mounted or inflated so it comes in contact with any part of the school bus or other tire Tread groove depth less than 2/32 of an inch, measured in a tread groove on a tire on a rear wheel Bump, knot, or bulge present on any tire Sidewall is cut, worn, or damaged to the extent that ply cord is exposed Separation of tread from tire casing Exposed ply or belting on any tire Flat tire or audible leak from a tire on any wheel If present, spare tire on Type C or D school bus not mounted outside passenger compartment	
Ventilation	Non-closing exhaust ventilator missing	
Wheel housing	Incorrect size or construction of wheel housing or opening	
Wheels	Not correct size for gross vehicle weight rating of school bus Loose or missing lug nut Broken stud bolt Crack or welded repair in wheel assembly	Not painted black
Windows	Not of safety glass Opening too small Cracked or broken Placement of non-transparent material <u>Inoperative latch</u>	Inoperative latch
Windshield	Placement of non-transparent material Crack, chip, or pitting that interferes with the school bus driver's vision	<u>Crack, chip or pitting that does not interfere with the school bus driver's vision</u>
Windshield washer system	Missing	Low or no cleaning solution
Windshield wipers	Inoperative or missing wiper on school bus driver's side <u>Inoperative or missing wiper on side opposite the school bus driver</u>	Inoperative or missing wiper on side opposite the school bus driver Inoperative speed control Split or hardened wiper blade

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Wiring	<p>Incorrect color or number coding</p> <p>Wiring circuit not protected by fuse or circuit breaker</p> <p>One or more non-metal grommets missing</p> <p><u>Electrical wires outside the school bus body improperly secured</u></p>	<p>Electrical wires outside the school bus body improperly secured</p>
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- C.** A school bus shall be inspected ~~every 12 months from the month and year stated on the safety inspection decal~~ annually, according to a schedule established by the Department and the standards contained in subsections (A) and (B) and this subsection.
1. If the Department finds a major defect, the Department shall remove the current safety inspection decal and replace with a new safety inspection decal only after the major defect is repaired.
 2. If the Department finds a minor defect, the Department shall remove the current safety inspection decal and replace with a new safety inspection decal and allow the school bus owner to make repairs in accordance with the provisions at ~~A.A.C. R17-9-108(A)(4) through (A)(7)~~.
- D.** A school bus driver shall ~~conduct~~ perform the following operations checks ~~and tasks on the~~ of a school bus:
1. Before a school bus is operated for the first time each day, conduct a pre-trip operations check of the school bus to determine that the following are operational and are not damaged:
 - a. All lamps, including alternately flashing, back-up, clearance, hazard, head, identification, interior, side marker, stop, tail, turn signal, and strobe lamps, if any, and emergency warning devices;
 - b. Tires, wheels, and wheel fasteners;
 - c. Service door;
 - d. Steps and step wells;
 - e. Emergency exits and signals;
 - f. Emergency doors and signals;
 - g. Wheelchair lift and wheelchair lift dome lamp;
 - h. Wheelchair-securement devices;
 - i. Wheelchair-securement anchorages;
 - j. Special-service entrance door;
 - k. Special-service entrance door signal;
 - l. Windows;
 - m. Windshield;
 - n. Windshield wipers;
 - o. Instrument panel and gauges;
 - p. Service brakes;
 - q. Service brake warning devices;
 - r. Parking brake;
 - s. Bumpers;
 - t. Seats and seat frames;
 - u. Floor coverings;
 - v. School bus body;
 - w. Engine fluid levels;
 - x. Engine compartment steering components;
 - y. Stop arm;
 - z. Horn;
 - aa. Mirrors; ~~and~~
 - bb. Engine fluid gauges;
 - cc. Noise suppression switch;
 - dd. Child alert notification system, if installed;
 - ee. Crossing control arm, if installed; and
 - ff. Air conditioning system, if installed.
 2. Each time a pre-trip operations check of a school bus is conducted, check all emergency equipment to determine that the emergency equipment complies with the standards at ~~A.A.C. R17-9-107(9)~~ R17-9-107(11) and R17-9-110.
 3. Each time a school bus is operated subsequent to the first time the school bus is operated each day, conduct a walk-around operations check to determine whether there is an obvious engine fluid leak and the following are operational and are not damaged:
 - a. All lamps listed in subsection (D)(1)(a);
 - b. Tires, wheels, and wheel fasteners;
 - c. Bumpers;

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- d. School bus body;
- e. Windows;
- f. Stop arm; and
- g. Windshield.
- 4. ~~After a school bus makes its final trip on each day or before the school bus makes its first trip on each day~~ Once daily, sweep and clean the interior of the school bus.
- 5. After completing each operations check, the school bus driver shall complete the portions of a written monthly operations check report that provide the following information:
 - a. Date and time of the operations check;
 - b. Name of the school bus driver conducting the operations check,
 - c. Name of the employer,
 - d. Number assigned to the school bus by the school bus owner and painted on the outside of the school bus body, and
 - e. Indication of whether an item is operational, inoperative, or damaged.
- 6. A school bus driver who performs an operations check and finds any item listed in subsections (D)(1) through (D)(3) inoperative or damaged shall immediately complete and submit a written repair order to the school bus owner through the employer.
 - a. The school bus owner shall use the standards contained in subsection (B) to determine whether an item reported on a repair order as inoperative or damaged is a major or minor defect.
 - b. If the school bus owner finds that a major defect exists, the school bus owner shall place the school bus out of service until the major defect is repaired.
 - c. If the school bus owner finds that a minor defect exists, the school bus may be used to transport passengers, but the school bus owner shall repair the defect in accordance with the provisions at ~~A.A.C. R17-9-108(A)(4)~~ through (A)(7). Time in which to make the minor repair shall be calculated from the date of the written repair order.
- 7. After a school bus makes its final trip on the last day the school bus is driven in a particular month the school bus driver operating the school bus shall submit the written monthly operations check report to the school bus owner through the employer.
- E. In addition to the operations checks described in subsection (D), a school bus owner shall systematically inspect, repair, and maintain, or cause to be systematically inspected, repaired, and maintained, all parts of a school bus chassis and body described in Sections R17-9-106 and R17-9-107 and any other parts and accessories that may affect safe operation of the school bus. The school bus owner shall ensure that the maintenance of a school bus and repair of major defects is done by:
 - 1. An ASE-certified technician,
 - 2. An individual working under the supervision of an ASE-certified master school bus technician,
 - 3. An individual with at least one year of participation in a school bus manufacturer-sponsored or commercial vehicle maintenance training program, or
 - 4. An individual with at least one year of experience as a school bus mechanic.
- F. Records
 - 1. A school bus owner shall maintain the following records in a separate file for each school bus for as long as the school bus is in operation in Arizona:
 - a. Number assigned to the school bus by the school bus owner,
 - b. Name of the school bus body manufacturer,
 - c. Name of the school bus chassis manufacturer,
 - d. Identification number of the school bus located in the driver's compartment,
 - e. Year the school bus body was assembled upon the school bus chassis, and
 - f. Size of the tires placed on the school bus.
 - 2. A school bus owner shall maintain all records of initial inspection, subsequent inspections, and repairs and maintenance procedures performed on the school bus for three years from the date of inspection, repair, or maintenance. The school bus owner shall ensure that all records of repairs and maintenance procedures include verification from the owner of the business responsible for the repairs and maintenance procedures that the individual who actually performs the repairs and maintenance procedures is qualified under subsection (E).
 - 3. If a school bus is sold, the school bus owner shall transfer the records required by subsections (F)(1) and (F)(2) to the purchaser.
 - 4. A school bus owner shall maintain monthly operations check reports for three months from the date of the report.
- G. Alterations
 - 1. Before a school bus owner alters a school bus, the school bus owner shall submit a request in writing to the Department describing the proposed alteration and the reason for the proposal.
 - 2. Within 60 days of receiving a request for alteration, the Department shall inform the school bus owner in writing whether the request has been approved or denied. The Department shall base its decision to approve or deny on an

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assessment of whether the proposed alteration affects the operations of a school bus, complies with the statutes and rules applicable to school buses, or affects the health, safety, or welfare of any individual.

R17-9-110. First-aid Equipment

No later than 180 days after the effective date of these rules, a school bus in Arizona shall meet the requirements of this Section.

1. First-aid and body-fluid cleanup kits shall be mounted in a school bus in accordance with ~~R17-9-107(9)(a)~~ R17-9-107(11)(a).
2. First-aid kit: A school bus shall be equipped with a removable first-aid kit that has a weatherproofing seal around the lid to prevent moisture or dust from entering the first-aid kit, is clearly labeled as a first-aid kit, and contains the following:
 - a. ~~2~~ Two – 1² inch x 2 1/2² inch yards adhesive tape rolls,
 - b. 24 – Sterile gauze pads 3² inches x 3² inches,
 - c. ~~8~~ Eight – 2² bandage ~~compresses~~ inch adhesive bandages,
 - d. 10 – 3² bandage ~~compresses~~ inch adhesive bandages,
 - e. ~~2~~ Two – 2² inch x 6² inch sterile gauze roller bandages,
 - f. ~~4~~ Four – Triangular bandages approximately 40² inches x 36² inches x 54² inches with two safety pins,
 - g. ~~3~~ Three – Sterile gauze pads at least 24² inches x 24² inches,
 - h. ~~3~~ Three – Sterile eye pads,
 - i. ~~1~~ One – Rounded-end scissors,
 - j. ~~1~~ One – Pair of non-latex gloves, and
 - k. ~~1~~ One – Mouth-to-mouth airway.
3. Body fluid or bloodborne-pathogen cleanup kit: A school bus shall be equipped with a removable body-fluid or bloodborne-pathogen cleanup kit that is sealed, clearly labeled as a body-fluid or bloodborne-pathogen cleanup kit, and contains the following:
 - a. ~~1~~ One – Pouch of solidifier with chlorine,
 - b. ~~1~~ One – Pick-up scoop with scraper,
 - c. ~~1~~ One – Pair of non-latex gloves,
 - d. ~~2~~ Two – Disinfectant hand wipes (antimicrobial),
 - e. ~~2~~ Two – Plastic disposal bags with ties (biohazard),
 - f. ~~2~~ Two – Germicidal towelettes effective against human immuno-deficiency virus and tuberculosis,
 - g. ~~2~~ Two – Paper crepe towels, and
 - h. ~~1~~ One – Easy to follow instructions.